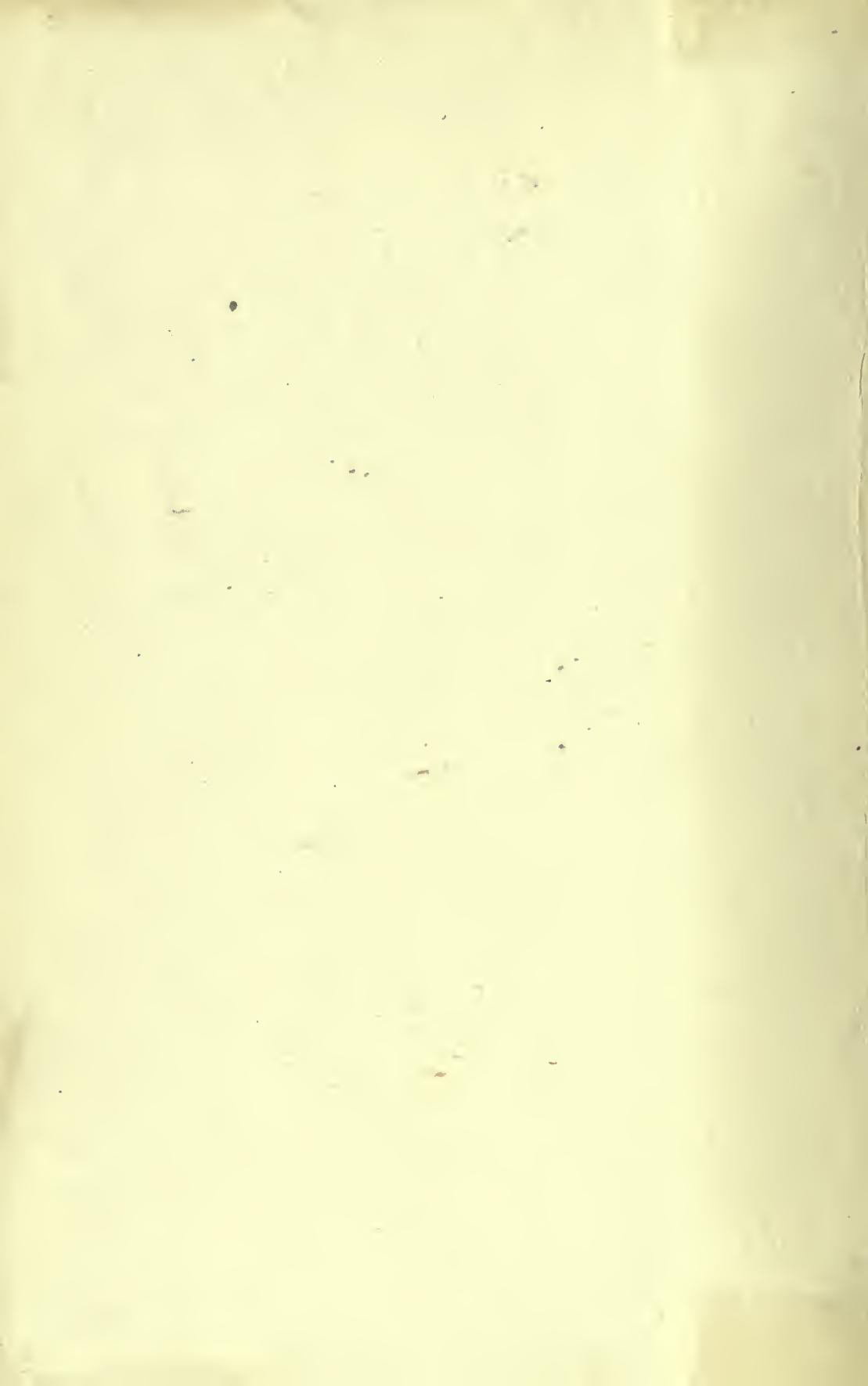


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2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Public Schools Act.

MR. PORTER

117 374

EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment adjusts a cross-reference.

Subsection 2. The new subsection 1f authorizes the inclusion of territory without municipal organization in township school areas established by municipalities. The new subsection 3a makes it clear that the members of a township school area board hold office until their successors take office.

No. 101

1950

BILL

An Act to amend The Public Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1c of section 15 of *The Public Schools Act*, as enacted by subsection 1 of section 1 of *The Public Schools Amendment Act, 1946*, is amended by striking out the word, letter and figures "1 and 1b" in the fourth line and inserting in lieu thereof the word, letters and figures "1, 1a and 1b", so that the subsection shall read as follows:

Rev. Stat.,
c. 357, s. 15,
subs. 1c
(1946,
c. 82, s. 1,
subs. 1),
amended.

(1c) The council of a township may add a school section or a union school section to a township school area already established and the provisions of subsections 1, 1a and 1b shall apply *mutatis mutandis*.

Addition to
township
school area.

(2) The said section 15, as amended by subsection 1 of section 16 of *The School Law Amendment Act, 1939*, section 4 of *The School Law Amendment Act, 1940*, section 12 of *The School Law Amendment Act, 1941*, section 10 of *The School Law Amendment Act, 1944*, section 1 of *The Public Schools Amendment Act, 1946*, section 1 of *The Public Schools Amendment Act, 1947* and section 1 of *The Public Schools Amendment Act, 1949*, is further amended by adding thereto the following subsections:

Rev. Stat.,
c. 357, s. 15,
amended.

(1f) The council of the township or the councils of the municipalities,—

Inclusion of
unorganized
territory.

(a) establishing a township school area; or

(b) by which a township school area has been established,

may include in the area or may add to the area, as the case may be, the whole or any part of an unorganized township if the board of every school section in the unorganized territory so included or

added consents thereto, and the unorganized territory so included or added shall for all public school purposes be deemed to be a part of the municipality having the largest assessment within the area, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the unorganized territory so deemed part of the municipality as with respect to the part of the municipality actually within the township school area.

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Term of
office of
trustees.

- (3a) The trustees of every township school area shall hold office until their successors are elected and a new board is organized.

Rev. Stat.,
c. 357, s. 15,
subs. 4a
(1946,
c. 82, s. 1,
subs. 1),
re-enacted.

- (3) Subsection 4a of the said section 15, as enacted by subsection 1 of section 1 of *The Public Schools Amendment Act, 1946*, is repealed and the following substituted therefor:

Nominations
and elec-
tions where
two or more
municipal-
ities in
area.

- (4a) Where a township school area is formed under subsection 1d or 1e,—

- (a) the nominations for school trustees of the township school area shall be conducted by the returning officer of the municipality which has the largest equalized assessment, or where there is no equalized assessment the largest local assessment, in the township school area, and shall be held at the same time and place as nominations for municipal councillors in that municipality;
- (b) the election of such school trustees shall take place in each municipality during the same hours and on the same day as the annual municipal elections in the municipality in which the nominations were held in the same manner as nearly as may be as the election of the members of a municipal council;
- (c) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the clerk of the municipality in which the nominations were held, who shall prepare the final summary and announcement of the vote; and

Subsection 3. The only change involved in this amendment is to provide for the place and time of nominations where the township school area includes more than one municipality.

Subsection 4. This amendment is complementary to the addition of subsection 1*f* to section 15 by subsection 2 of this section of this Bill.

SECTION 2. This provision is a transposition of subsection 2 of section 16*a* into section 15*a*. No change in principle is involved.

SECTION 3. The provisions relating to adjustments arising out of the formation of township school boards and township school areas (sections 16 and 16*a* (1)) are combined into one section. The only change in principle involved is that in the case of new township school boards the adjustment will be by the Minister and a referee appointed by him where heretofore such adjustment has been by the Municipal Board and a referee appointed by it. Subsection 2 of section 16*a* has been re-enacted as subsection 7 of section 15*a* by section 2 of this Bill.

- (d) if at the first election two or more trustees receive an equal number of votes or all of the trustees are declared elected by acclamation, the clerk of the municipality in which the nominations were held shall determine which of the trustees shall hold office for two years and his determination shall be notified to the board in writing and shall be entered in the minutes of the board.

(4) Subsection 12 of the said section 15, as re-enacted by Rev. Stat., c. 357, s. 15, subsection 2 of section 1 of *The Public Schools Amendment Act, 1946*, is amended by striking out the word, figure and letter "or 1e" in the second line and inserting in lieu thereof (1946, c. 82, s. 1, subs. 2), amended. the word, figures and letters "1e or 1f", so that the subsection shall read as follows:

- (12) No by-law shall be passed under the provisions of subsection 1, 1a, 1c, 1d, 1e or 1f until the same Approval of by-laws. shall have been submitted to and approved in writing by the Minister.

2. Section 15a of *The Public Schools Act*, as enacted by Rev. Stat., c. 357, s. 15a section 5 of *The School Law Amendment Act, 1940*, is amended (1940, c. 24, s. 5), amended. by adding thereto the following subsection:

- (7) For the purposes of township school areas formed Application of ss. 15, 42-47, 67-69. under this section, and except as to matters provided for in this section, the provisions of sections 15, 42 to 47 and 67 to 69 shall apply *mutatis mutandis*.

3. Section 16 as amended by section 2 of *The Public Schools Amendment Act, 1946*, and section 16a as enacted by section 5 of *The School Law Amendment Act, 1940* and amended by section 11 of *The School Law Amendment Act, 1944*, of *The Public Schools Act* are repealed and the following substituted therefor: Rev. Stat., c. 357, s. 16, re-enacted; s. 16a (1940, c. 24, s. 5), repealed.

- 16.—(1) All rights and claims between parts of a municipality or municipalities comprising the several school sections united under a township school board or into a township school area or areas shall be valued, adjusted and determined in an equitable manner by a referee to be appointed by the Minister within three months after the passing of the by-law forming the township school board or the by-law or by-laws establishing the township school area, as the case may be. Adjustment of claims.

- (2) The Minister and any referee appointed by him Powers of Minister and referee. shall have and may exercise such jurisdiction and

powers as may be necessary for the purpose of the valuation, adjustment and determination of all or any of such rights and claims.

Referee,
hearing by,
report and
remunera-
tion.

- (3) A referee appointed under this section shall proceed to hear and report to the Minister upon such rights and claims as the Minister may from time to time direct, and he shall submit his report to the Minister within three months of his appointment or within such further time as the Minister may allow, and he shall be paid for his services such fee as the Minister may direct.

Considera-
tion of
report by
Minister.

- (4) Upon the report of the referee being filed with him, the Minister shall consider the report and may hear such representations in respect thereof as he may see fit, and before adopting the report he may refer it back to the referee for his further consideration.

Decision of
Minister.

- (5) The Minister may adopt, vary or amend the report and his decision shall be final and conclusive and not open to question or appeal, and shall be binding upon each municipality and the ratepayers of each municipality and of any school section affected thereby.

Special
rates for
adjusting
claims.

- (6) The council of the township, in the case of a township school board, shall annually impose and levy such special rates against the lands assessable therefor as may be directed by the Minister for the purpose of adjusting the rights and claims of any school section or other area.

Idem.

- (7) The council of the township or the council of each municipality, all or a portion of which is included in a township school area, shall annually impose and levy such special rates against the rateable property in the municipality, which is within the township school area, as may be directed by the Minister for the purpose of adjusting any rights and claims determined under this section.

When by-
laws to be
effective.

- (8) No by-law passed under section 14 or 15 shall come into force until the Minister has approved of it and had made an order under subsection 5.

Adjustment
of claims
in certain
areas.

- (9) For the purpose of evaluating, adjusting and determining all rights and claims,—

- (a) between parts of a municipality or municipalities and parts of an unorganized township or townships formed into a township school area under subsection 1f of section 15; and

SECTION 4. Section 33 of *The Assessment Act* now contains no reference to a school census but provides for a general census of the inhabitants of the municipality. The reference to that section is therefore removed.

SECTION 5. This amendment is to ensure that tenants do not vote on questions involving the expenditure of money on capital account except under the conditions laid down in *The Municipal Act* regarding the right to vote on money by-laws.

SECTION 6. As legislative grants are no longer based on the cost of operating a school, this subsection which deals with the method of computing the cost of operating schools for the purpose of grants, is repealed.

SECTION 7. At present, clause *u* authorizes school boards to contribute towards life insurance for teachers and officers of the boards. As re-enacted the clause will permit boards to provide life insurance for any class of employee and accident insurance in respect of injuries to pupils.

SECTION 8. This new section extends the powers of a board (formerly given in subsection 7 of section 130) to invest moneys received for an insurance claim or for any special purposes.

(b) between school sections within township school areas formed under section 15a,

the provision of subsections 1 to 8 shall apply *mutatis mutandis*.

4. Subsection 1 of section 52 of *The Public Schools Act* is amended by striking out the words "and the other particulars required by section 33 of *The Assessment Act* as to the children in each section" in the eighth, ninth and tenth lines, so that the subsection shall read as follows:

Rev. Stat.,
c. 357, s. 52,
subs. 1,
amended.

(1) The clerk of every township shall give to the inspector when requested by him, a statement of the assessed value of each school section as shown by the last revised assessment roll, and at the request of any board shall furnish them with a statement showing the several parcels or lots of land composing the school section, the assessment of each parcel or lot and the amount of taxes entered on the collector's roll against each parcel or lot, and the cost of preparing this statement shall be paid by the board applying for the same.

Clerk to
give copy of
assessment
to inspector.

5. Subsection 2 of section 68 of *The Public Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 357, s. 68,
subs. 2, re-
enacted.

(2) On a question involving the expenditure of money on capital account only such persons as are qualified to vote on money by-laws under *The Municipal Act* and are public school supporters shall be entitled to vote in the school section.

Capital
expenditure.

Rev. Stat.,
c. 266.

6. Subsection 9 of section 86 of *The Public Schools Act*, as enacted by section 4 of *The Public Schools Amendment Act, 1946*, is repealed.

Rev. Stat.,
c. 357, s. 86,
subs. 9
(1946,
c. 82, s. 4),
repealed.

7. Clause *u* of section 89 of *The Public Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 357, s. 89,
cl. *u*, re-
enacted.

(*u*) to contribute, as deemed expedient, towards providing life insurance for employees of the board or any class thereof, and to make provision for insuring the board against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board.

Insurance.

8. *The Public Schools Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 357,
amended.

89a. The board may invest any proceeds from an insurance claim or any moneys received for any special purposes through legacy, gift or otherwise, and for

Investment
of moneys.

such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*.

Rev. Stat.,
c. 165.

Rev. Stat.,
c. 357, s. 96,
subs. 1, re-
enacted.

9. Subsection 1 of section 96 of *The Public Schools Act* is repealed and the following substituted therefor:

Security by
officers.

- (1) Every treasurer and collector and, if required by the board, every other officer of the board shall give security for the faithful performance of his duties, and the security shall be deposited for safe keeping as directed by the board.

Form of
security.
Rev. Stat.,
c. 263.

- (1a) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in *The Guarantee Companies Securities Act*.

Rev. Stat.,
c. 357, s. 130,
re-enacted.

10.—(1) Section 130 of *The Public Schools Act* is repealed and the following substituted therefor:

Pensions.

- 130.—(1) The board, by resolution, may provide, by arrangement either with His Majesty pursuant to the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act*, or with both His Majesty and an insurer as aforesaid, pensions for employees or any class thereof and their wives and children.

R.S.C., c. 7.
Rev. Stat.,
c. 256.

"Employee".

- (2) In this section, "employee" does not include a teacher or an inspector.

Approval of
Minister.

- (3) No resolution passed under this section shall become operative until approved by the Minister, nor shall any such resolution so passed and approved be amended or repealed without the approval of the Minister.

Contribu-
tions by
board.

- (4) The board shall make such payments or contributions to the scheme as are provided for in the resolution.

Deduction of
contribu-
tions.

- (5) The board shall deduct from the salary, wages or other remuneration of every employee to whom the scheme is applicable, the amount which the employee is required by the resolution to contribute.

Sick leave
credits.

- 130a.—(1) The board, by resolution, may establish a system of sick leave credit gratuities and payments for the regular attendance of employees or any class thereof.

SECTION 9. The amendment provides that the security to be given by school board treasurers shall be the same as that required from officers of a municipality. In addition security may now be required from other officers of the board.

SECTION 10—Subsection 1. The new section 130 authorizes boards to provide pensions for its employees, other than teachers and inspectors. The new section 130a authorizes boards to set up systems of sick leave credits for employees.

Subsections 2 and 3. These provisions validate, under the circumstances set out, pension schemes and sick leave credit systems already established.

- (2) No resolution passed under subsection 1 shall become operative until approved by the Minister, nor shall any resolution so passed and approved be amended or repealed without the approval of the Minister. Approval of Minister.

(2) Any pension scheme heretofore established by a board and approved by the Superintendent of Insurance which conforms to section 130 of *The Public Schools Act*, as re-enacted by subsection 1 of this section, and which is approved by the Minister, shall be deemed to have been validly established as of the date of the approval of the Superintendent of Insurance. Existing pension schemes validated.

(3) Any sick leave credit system heretofore established by a board, which conforms to section 130a of *The Public Schools Act*, as enacted by subsection 1 of this section, and which is approved by the Minister, shall be deemed to have been validly established as of the date of its establishment. Existing sick leave systems validated.

11. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

12. This Act may be cited as *The Public Schools Amendment Act, 1950*. Short title.

BILL

An Act to amend The Public Schools Act.

1st Reading

March 9th, 1950

2nd Reading

3rd Reading

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Public Schools Act.

MR. PORTER

BILL

An Act to amend The Public Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1c of section 15 of *The Public Schools Act*, as enacted by subsection 1 of section 1 of *The Public Schools Amendment Act, 1946*, is amended by striking out the word, letter and figures "1 and 1b" in the fourth line and inserting in lieu thereof the word, letters and figures "1, 1a and 1b", so that the subsection shall read as follows:

Rev. Stat.,
c. 357, s. 15,
subs. 1c
(1946,
c. 82, s. 1,
subs. 1)
amended.

(1c) The council of a township may add a school section or a union school section to a township school area already established and the provisions of subsections 1, 1a and 1b shall apply *mutatis mutandis*.

Addition to
township
school area.

(2) The said section 15, as amended by subsection 1 of section 16 of *The School Law Amendment Act, 1939*, section 4 of *The School Law Amendment Act, 1940*, section 12 of *The School Law Amendment Act, 1941*, section 10 of *The School Law Amendment Act, 1944*, section 1 of *The Public Schools Amendment Act, 1946*, section 1 of *The Public Schools Amendment Act, 1947* and section 1 of *The Public Schools Amendment Act, 1949*, is further amended by adding thereto the following subsections:

Rev. Stat.,
c. 357, s. 15,
amended.

(1f) The council of the township or the councils of the municipalities,—

Inclusion of
unorganized
territory.

(a) establishing a township school area; or

(b) by which a township school area has been established,

may include in the area or may add to the area, as the case may be, the whole or any part of an unorganized township if the board of every school section in the unorganized territory so included or

added consents thereto, and the unorganized territory so included or added shall for all public school purposes be deemed to be a part of the municipality having the largest assessment within the area, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the unorganized territory so deemed part of the municipality as with respect to the part of the municipality actually within the township school area.

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Term of
office of
trustees.

- (3a) The trustees of every township school area shall hold office until their successors are elected and a new board is organized.

Rev. Stat.,
c. 357, s. 15,
subs. 4a
(1946,
c. 82, s. 1,
subs. 1),
re-enacted.

- (3) Subsection 4a of the said section 15, as enacted by subsection 1 of section 1 of *The Public Schools Amendment Act, 1946*, is repealed and the following substituted therefor:

Nominations
and elec-
tions where
two or more
municipalities in
area.

- (4a) Where a township school area is formed under subsection 1d or 1e,—

- (a) the nominations for school trustees of the township school area shall be conducted by the returning officer of the municipality which has the largest equalized assessment, or where there is no equalized assessment the largest local assessment, in the township school area, and shall be held at the same time and place as nominations for municipal councillors in that municipality;
- (b) the election of such school trustees shall take place in each municipality during the same hours and on the same day as the annual municipal elections in the municipality in which the nominations were held in the same manner as nearly as may be as the election of the members of a municipal council;
- (c) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the clerk of the municipality in which the nominations were held, who shall prepare the final summary and announcement of the vote; and

- (d) if at the first election two or more trustees receive an equal number of votes or all of the trustees are declared elected by acclamation, the clerk of the municipality in which the nominations were held shall determine which of the trustees shall hold office for two years and his determination shall be notified to the board in writing and shall be entered in the minutes of the board.

(4) Subsection 12 of the said section 15, as re-enacted by *Rev. Stat., c. 357, s. 15, subs. 12* (1946, c. 82, s. 1, subs. 2), amended, subsection 2 of section 1 of *The Public Schools Amendment Act, 1946*, is amended by striking out the word, figure and letter "or 1e" in the second line and inserting in lieu thereof the word, figures and letters "1e or 1f", so that the subsection shall read as follows:

- (12) No by-law shall be passed under the provisions of subsection 1, 1a, 1c, 1d, 1e or 1f until the same shall have been submitted to and approved in writing by the Minister. *Approval of by-laws.*

2. Section 15a of *The Public Schools Act*, as enacted by section 5 of *The School Law Amendment Act, 1940*, is amended by adding thereto the following subsection: *Rev. Stat., c. 357, s. 15a (1940, c. 24, s. 5), amended.*

- (7) For the purposes of township school areas formed under this section, and except as to matters provided for in this section, the provisions of sections 15, 42 to 47 and 67 to 69 shall apply *mutatis mutandis*. *Application of ss. 15, 42-47, 67-69.*

3. Section 16 as amended by section 2 of *The Public Schools Amendment Act, 1946*, and section 16a as enacted by section 5 of *The School Law Amendment Act, 1940* and amended by section 11 of *The School Law Amendment Act, 1944*, of *The Public Schools Act* are repealed and the following substituted therefor: *Rev. Stat., c. 357, s. 16, re-enacted; s. 16a (1940, c. 24, s. 5), repealed.*

- 16.—(1) All rights and claims between parts of a municipality or municipalities comprising the several school sections united under a township school board or into a township school area or areas shall be valued, adjusted and determined in an equitable manner by a referee to be appointed by the Minister within three months after the passing of the by-law forming the township school board or the by-law or by-laws establishing the township school area, as the case may be. *Adjustment of claims.*

- (2) The Minister and any referee appointed by him shall have and may exercise such jurisdiction and *Powers of Minister and referee.*

powers as may be necessary for the purpose of the valuation, adjustment and determination of all or any of such rights and claims.

Referee,
hearing by,
report and
remunera-
tion.

- (3) A referee appointed under this section shall proceed to hear and report to the Minister upon such rights and claims as the Minister may from time to time direct, and he shall submit his report to the Minister within three months of his appointment or within such further time as the Minister may allow, and he shall be paid for his services such fee as the Minister may direct.

Considera-
tion of
report by
Minister.

- (4) Upon the report of the referee being filed with him, the Minister shall consider the report and may hear such representations in respect thereof as he may see fit, and before adopting the report he may refer it back to the referee for his further consideration.

Decision of
Minister.

- (5) The Minister may adopt, vary or amend the report and his decision shall be final and conclusive and not open to question or appeal, and shall be binding upon each municipality and the ratepayers of each municipality and of any school section affected thereby.

Special
rates for
adjusting
claims.

- (6) The council of the township, in the case of a township school board, shall annually impose and levy such special rates against the lands assessable therefor as may be directed by the Minister for the purpose of adjusting the rights and claims of any school section or other area.

Idem.

- (7) The council of the township or the council of each municipality, all or a portion of which is included in a township school area, shall annually impose and levy such special rates against the rateable property in the municipality, which is within the township school area, as may be directed by the Minister for the purpose of adjusting any rights and claims determined under this section.

When by-
laws to be
effective.

- (8) No by-law passed under section 14 or 15 shall come into force until the Minister has approved of it and had made an order under subsection 5.

Adjustment
of claims
in certain
areas.

- (9) For the purpose of evaluating, adjusting and determining all rights and claims,—

- (a) between parts of a municipality or municipalities and parts of an unorganized township or townships formed into a township school area under subsection 1f of section 15; and

(b) between school sections within township school areas formed under section 15a,

the provision of subsections 1 to 8 shall apply *mutatis mutandis*.

4. Subsection 1 of section 52 of *The Public Schools Act* is amended by striking out the words "and the other particulars required by section 33 of *The Assessment Act* as to the children in each section" in the eighth, ninth and tenth lines, so that the subsection shall read as follows:

Rev. Stat.,
c. 357, s. 52,
subs. 1,
amended.

- (1) The clerk of every township shall give to the inspector when requested by him, a statement of the assessed value of each school section as shown by the last revised assessment roll, and at the request of any board shall furnish them with a statement showing the several parcels or lots of land composing the school section, the assessment of each parcel or lot and the amount of taxes entered on the collector's roll against each parcel or lot, and the cost of preparing this statement shall be paid by the board applying for the same.

Clerk to
give copy of
assessment
to inspector.

5. Subsection 2 of section 68 of *The Public Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 357, s. 68,
subs. 2, re-
enacted.

- (2) On a question involving the expenditure of money on capital account only such persons as are qualified to vote on money by-laws under *The Municipal Act* and are public school supporters shall be entitled to vote in the school section.

Capital
expenditure.
Rev. Stat.,
c. 266.

6. Subsection 9 of section 86 of *The Public Schools Act*, as enacted by section 4 of *The Public Schools Amendment Act, 1946*, is repealed.

Rev. Stat.,
c. 357, s. 86,
subs. 9
(1946,
c. 82, s. 4),
repealed.

7. Clause *u* of section 89 of *The Public Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 357, s. 89,
cl. *u*, re-
enacted.

- (*u*) to contribute, as deemed expedient, towards providing life insurance for employees of the board or any class thereof, and to make provision for insuring the board against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board.

Insurance.

8. *The Public Schools Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 357,
amended.

- 89a. The board may invest any proceeds from an insurance claim or any moneys received for any special purposes through legacy, gift or otherwise, and for

Investment
of moneys.

such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*.

Rev. Stat.,
c. 165.

Rev. Stat.,
c. 357, s. 96,
subs. 1, re-
enacted.

9. Subsection 1 of section 96 of *The Public Schools Act* is repealed and the following substituted therefor:

Security by
officers.

- (1) Every treasurer and collector and, if required by the board, every other officer of the board shall give security for the faithful performance of his duties, and the security shall be deposited for safe keeping as directed by the board.

Form of
security.
Rev. Stat.,
c. 263.

- (1a) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in *The Guarantee Companies Securities Act*.

Rev. Stat.,
c. 357, s. 130,
re-enacted.

10.—(1) Section 130 of *The Public Schools Act* is repealed and the following substituted therefor:

Pensions.

- 130.—(1) The board, by resolution, may provide, by arrangement either with His Majesty pursuant to the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act*, or with both His Majesty and an insurer as aforesaid, pensions for employees or any class thereof and their wives and children.

R.S.C., c. 7.
Rev. Stat.,
c. 256.

"Employee".

- (2) In this section, "employee" does not include a teacher or an inspector.

Approval of
Minister.

- (3) No resolution passed under this section shall become operative until approved by the Minister, nor shall any such resolution so passed and approved be amended or repealed without the approval of the Minister.

Contribu-
tions by
board.

- (4) The board shall make such payments or contributions to the scheme as are provided for in the resolution.

Deduction of
contribu-
tions.

- (5) The board shall deduct from the salary, wages or other remuneration of every employee to whom the scheme is applicable, the amount which the employee is required by the resolution to contribute.

Sick leave
credits.

- 130a.—(1) The board, by resolution, may establish a system of sick leave credit gratuities and payments for the regular attendance of employees or any class thereof.

(2) No resolution passed under subsection 1 shall become operative until approved by the Minister, nor shall any resolution so passed and approved be amended or repealed without the approval of the Minister. Approval of Minister.

(2) Any pension scheme heretofore established by a board and approved by the Superintendent of Insurance which conforms to section 130 of *The Public Schools Act*, as re-enacted by subsection 1 of this section, and which is approved by the Minister, shall be deemed to have been validly established as of the date of the approval of the Superintendent of Insurance. Existing pension schemes validated.

(3) Any sick leave credit system heretofore established by a board, which conforms to section 130a of *The Public Schools Act*, as enacted by subsection 1 of this section, and which is approved by the Minister, shall be deemed to have been validly established as of the date of its establishment. Existing sick leave systems validated.

11. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

12. This Act may be cited as *The Public Schools Amendment Act, 1950*. Short title.

BILL

An Act to amend The Public Schools Act.

1st Reading

March 9th, 1950

2nd Reading

March 15th, 1950

3rd Reading

March 23rd, 1950

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Assessment Act.

MR. DUNBAR

EXPLANATORY NOTES

SECTION 1—Subsection 1. Paragraph 6 in addition to dealing with public hospital exemptions has heretofore applied to city and town halls and court houses, gaols and lock-ups. As all of these institutions other than hospitals are provided for in paragraph 1 or 8, there is no need for dealing with any but hospitals in paragraph 6.

Subsection 2. The paragraph presently provides exemptions respecting The Boy Scouts Association and The Canadian Girl Guides Association. Land held within these bodies is held by provincial or local groups and the paragraph is re-enacted to make the exemption effective. The exemption is also now limited to property owned, occupied and used solely for the purposes of the main body and Ontario groups.

Subsection 3. The amendment makes paragraph 13 conform to section 27 of *The Agricultural Societies Act, 1939*.

No. 102

1950

BILL


An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 6 of section 4 of *The Assessment Act* Rev. Stat., c. 272, s. 4, para. 6, re-enacted. is repealed and the following substituted therefor:

6. Every public hospital receiving aid under *The Hospitals Aid Act, 1948*, with the land attached thereto, Public hospitals, 1948, c. 40. but not land of a public hospital when occupied by any person as tenant or lessee.

(a) Land owned and used by such a public hospital for farming purposes shall be deemed attached to the hospital within the meaning of this paragraph, notwithstanding that it is separated therefrom by a highway.

(2) Paragraph 9 of the said section 4, as re-enacted by sub-section 2 of section 1 of *The Assessment Amendment Act, 1946*, Rev. Stat., c. 272, s. 4, para. 9 (1946, c. 3, s. 1, subs. 2), re-enacted. is repealed and the following substituted therefor: 

9. Property owned, occupied and used solely and only by The Boy Scouts Association or The Canadian Girl Guides Association or by any provincial or local association or other local group in Ontario which is a member of either Association or is otherwise chartered or officially recognized by it. Boy Scouts and Girl Guides.

(3) Paragraph 13 of the said section 4 is amended by adding thereto the following clause: Rev. Stat., c. 272, s. 4, para. 13, amended.

(a) An agricultural society to which *The Agricultural Societies Act, 1939* applies shall be entitled to the exemption provided in this paragraph notwithstanding that any part of its property is occupied by a tenant if the rent derived from the tenancy is applied solely for the purposes of the society. 1939, c. 1.

Rev. Stat.,
c. 272, s. 8,
subs. 1, cl. c,
amended.

2.—(1) Clause *c* of subsection 1 of section 8 of *The Assessment Act* is amended by striking out the words “of a wholesale merchant” in the first and second lines, so that the clause shall read as follows:

- (c) Every person carrying on the business of an insurance company, a loan company or a trust company, as defined by this Act, or of an express company carrying on business on or in connection with a railway or steamboats or sailing or other vessels or of a land company, or of a loaning land corporation, or of a bank or a banker, or of any other financial business for a sum equal to seventy-five per centum of the said assessed value.

Rev. Stat.,
c. 272, s. 8,
subs. 1, cl. d,
re-enacted.

(2) Clause *d* of subsection 1 of the said section 8, as amended by subsection 1 of section 2 of *The Assessment Amendment Act, 1946*, is repealed and the following substituted therefor:

- (d) Every person carrying on the business of a wholesale merchant and every person carrying on the business of selling or distributing goods, wares and merchandise at retail,
- (i) through mail order premises, or
- (ii) through a chain of more than five retail order offices in Ontario, directly or indirectly, owned, controlled or operated by him, or
- (iii) through a chain of more than five retail stores or shops in Ontario, directly or indirectly, owned, controlled or operated by him,

for a sum equal to fifty per centum of the assessed value.

Rev. Stat.,
c. 272, s. 12,
amended.

3.—(1) Section 12 of *The Assessment Act*, as amended by section 8 of *The Assessment Amendment Act, 1947*, is further amended by adding thereto the following subsections:

Telephone
company
assessable
for land
built on in
townships.

- (5a) In a township the land of a telephone company on which any building is erected or placed, and the building itself, shall be liable to assessment.

.

Telegraph
company
assessable
for land
built on in
township.

- (7a) In a township the land of a telegraph company on which any building is erected or placed, and the building itself, shall be liable to assessment.

SECTION 2. These amendments alter the business assessment of wholesale merchants from 75% to 50% of the assessed value of land used for the business, and the 50% rate is made applicable to the businesses mentioned in subclauses i, ii and iii of clause *d*. These businesses were formerly assessed at 25% except distribution premises and offices of chain stores which were assessed at 75%.

SECTION 3. The new subsection 5*a* and 7*a* provide for assessment of telephone and telegraph companies in respect of land in townships on which buildings have been erected or placed. Subsection 11 is re-enacted to conform with these new provisions.

SECTION 4. Sections 16 and 17 are re-enacted to clarify the assessor's right of access for the purpose of making an assessment, and also to make it clear that the authority for the assessor to require the completion of questionnaires by persons assessed or liable to be assessed is operative only after he has twice visited the property and has been unable to obtain all necessary information.

(2) Subsection 11 of the said section 12 is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 12, subs. 11, re-enacted.

(11) Every company assessed as provided in this section shall be exempt from assessment in any municipality in respect of all machinery, plant and appliances wherever situate, and shall be exempt from assessment in cities, towns, villages and police villages in respect of all structures placed on, over, under or affixed to any highway, lane or other public communication, public place or water. Assessment exemptions of companies.

4. Sections 16 and 17 of *The Assessment Act*, as amended by sections 10 and 11 respectively of *The Assessment Amendment Act, 1947*, are repealed and the following substituted therefor: Rev. Stat., c. 272, ss. 16; 17, re-enacted.

16.—(1) The assessment commissioner, if any, and every assessor of a municipality shall at all reasonable times and upon reasonable request be given free access to all land and to all parts of every building, structure, machinery and fixture erected or placed upon, in, over, under or affixed to the land, for the purpose of making a proper assessment thereof. Right of access.

(2) Every adult person present on land when an assessment commissioner or an assessor of the municipality visits the land in the performance of his duties, shall upon request give to such commissioner or assessor all the information in his knowledge which will assist such commissioner or assessor to make a proper assessment of the land and every building, structure, machinery and fixture erected or placed upon, in, over, under or affixed to the land and to obtain the information he requires with respect to any person whose name he is required to enter on the assessment roll or in the census register. Information.

17.—(1) Where an assessment commissioner or an assessor has twice visited land for the purpose of making a proper assessment thereof or census and has been unable to obtain all information necessary for such purpose, he may deliver or cause to be delivered or mailed to the address of any person, whether resident in the municipality or not, who is or may be assessed in respect of the land, a notice and any of the questionnaires in Form 1. Where assessor unable to obtain information by visit.

(2) Every person to whom such notice and any of such questionnaires are delivered or mailed shall, within ten days after the delivery or mailing, enter thereon Return of questionnaire.

in the proper places all the information required thereby that is within his knowledge and sign and deliver or mail the questionnaires to the assessment commissioner or assessor whose name and address appear on the notice.

- Proviso. (3) Except as provided in this or any other section of this Act, no person may be required by an assessment commissioner, assessor or other person to furnish information with respect to the assessment of land or persons or with respect to the census.

Rev. Stat.,
c. 272, s. 22,
amended. 5. Section 22 of *The Assessment Act*, as amended by section 14 of *The Assessment Amendment Act, 1947*, is further amended by adding thereto the following subsection:

- Obstruction
of assessor,
etc. (3) Every person who wilfully obstructs or interferes with an assessment commissioner or assessor in the performance of any of his duties or the exercise of his rights, powers and privileges under this Act shall incur a penalty of not more than \$200.

Rev. Stat.,
c. 272, s. 23,
subs. 1, cl. d,
amended. 6.—(1) Clause *d* of subsection 1 of section 23 of *The Assessment Act* is amended by striking out the words "Where part of a lot in a city, town or village" at the commencement thereof and inserting in lieu thereof the words "Where part of a subdivision lot in a municipality", so that the clause shall read as follows:

- Description
of part
of lot. (d) Where part of a subdivision lot in a municipality is to be assessed it shall be a sufficient description of it if the name of the owner and the tenant, if any, and the number of feet of its frontage are entered on the assessment roll, and the part assessed shall be deemed to be that part of the lot belonging to the owner whose name is so entered.

Rev. Stat.,
c. 272, s. 23,
subs. 1, cl. e,
amended. (2) Clause *e* of subsection 1 of the said section 23, as amended by section 2 of *The Assessment Amendment Act, 1939*, is further amended by striking out the words "in cities" in the amendment of 1939, so that the clause shall read as follows:

- Each lot to
be assessed. (e) Each subdivision shall be assessed separately, and every parcel of land (whether a whole subdivision or a portion thereof, or the whole of a portion of any building thereon) in the separate occupation of any person, shall be separately assessed; provided that no portion of any building used or intended to be used as a residence shall be separately assessed unless it is a domestic establishment of two or more rooms in which the occupants usually sleep and prepare and serve meals.

SECTION 5. This provision is new.

SECTION 6—Subsection 1. This amendment extends the authority to describe part of a lot by frontage to townships as well as cities, towns and villages.

Subsection 2. This amendment extends to all local municipalities the provision formerly restricted to cities that no part of a building used as a residence can be separately assessed unless it is a self-contained domestic establishment.

Subsection 3. These new clauses will require the assessor to compile the roll by streets and street numbers. This will assist in searches, preparation of voters' lists and other matters of that nature.

SECTION 7. These amendments are to provide that a person using Crown land as his residence shall be assessable although he is not within the normal meaning of the word "tenant".

(3) Subsection 1 of the said section 23 is further amended by adding thereto the following clauses: Rev. Stat.,
c. 272, s. 23,
subs. 1,
amended.

- (l) Where in any municipality or portion of a municipality, streets and other highways are commonly known locally by names or numbers they shall be entered and listed in the assessment roll by their names or numbers according to such orderly plan or method that every separately assessed parcel fronting on either side of such street or highway is entered on the roll in proper sequence of street numbers for that side of the street or highway on which it fronts or, if there be no street numbers, in such other suitable sequence for that side of the street or highway on which it fronts as will ensure ready and certain identity for each separately assessed parcel. Entry on
roll by
streets.
- (m) Where in any municipality or portion of a municipality, streets and highways are not commonly known locally by names or numbers, every assessed parcel shall be entered in the assessment roll according to such orderly plan or method and in such suitable sequences as will ensure ready and certain identity for each separately assessed parcel. Where no
street
names.
- (n) In the preparation of the assessment roll for any municipality, it shall be so arranged that the assessments for each ward and for each polling subdivision into which the municipality is divided shall be kept separate from the assessments for every other ward and polling subdivision. Separation
of wards,
etc.
- (o) In the preparation of the assessment roll for any township divided into public school areas or public school sections, it shall be so arranged that the assessments for each public school area or public school section shall be kept separate from the assessments for every other public school area or public school section; provided that this clause shall not apply in any township divided into wards or polling subdivisions if the boundaries thereof or of a grouping thereof do not coincide with the boundaries of the public school areas or public school sections. Separation
of school
sections
or areas.

7.—(1) Subsection 1 of section 38 of *The Assessment Act*, as re-enacted by section 6 of *The Assessment Amendment Act, 1946* and amended by subsection 1 of section 16 of *The Assessment Amendment Act, 1947*, is further amended by adding thereto the following clause: Rev. Stat.,
c. 272, s. 38,
subs. 1 (1946,
c. 3, s. 6),
amended.

(a) For the purposes of this subsection,

- (i) "tenant", in addition to its meaning under clause *o* of section 1, shall also include any person who uses land belonging to the Crown as or for the purposes of, or in connection with his residence, irrespective of the relationship between him and the Crown with respect to such use,
- (ii) "residence" shall mean a building or part of a building used as a domestic establishment and consisting of two or more rooms in which persons usually sleep and prepare and serve meals,
- (iii) "rent or any valuable consideration" shall be deemed to have been paid, in the case of an employee using land belonging to the Crown as a residence, where there is a reduction in or deduction from the salary, wages, allowances or emoluments of the employee because of such use or where such use is taken into consideration in determining the employee's salary, wages, allowances or emoluments.

Rev. Stat.,
c. 272, s. 38,
subs. 3 (1946,
c. 3, s. 6),
amended.

(2) Subsection 3 of the said section 38 is amended by striking out the words "the land" in the third line and inserting in lieu thereof the word "him", so that the subsection shall read as follows:

Tenant's
interests
may be sold.

- (3) In addition to the liability of every person assessed under subsection 1 or 2 to pay the taxes assessed against him, the interest in such land, if any, of every person other than the Crown and the tribe or body of Indians for which it is held in trust or any member thereof, shall be subject to the lien given by section 99 and shall be liable to be sold or vested in the municipality for arrears of taxes.

Rev. Stat.,
c. 272, s. 39,
subs. 2 (1946,
c. 3, s. 7,
subs. 1),
amended.

8. Subsection 2 of section 39 of *The Assessment Act*, as re-enacted by subsection 1 of section 7 of *The Assessment Amendment Act, 1946*, is amended by striking out the word "revenue" in the third line and inserting in lieu thereof the words "normal rental value", so that the subsection shall read as follows:

Land
without
buildings.

- (2) In ascertaining the actual value of land without buildings thereon consideration shall be given to the present use, location, normal rental value, normal sale value and any other circumstance affecting the value.

SECTION 8. The use of "revenue" in determining the assessment of land without buildings is replaced by "normal rental value".

SECTION 9. The repealed section 41 authorized the assessment of land not held for sale but for a park, lawn, pleasure ground, etc., by capitalizing the rental value. This land will henceforth be assessed in the normal manner.

SECTION 10. The effect of the amendment is to authorize a public utility undertaking to pay for municipal services rendered to it not only by the municipality for which it is formed but also by any other municipality.

SECTION 11. This amendment dispenses with the necessity for sending municipal assessment notices to persons whose names are on the assessment roll only because of their right to vote at provincial elections.

SECTION 12—Subsections 1 and 2. These amendments extend from November 15th to November 30th the time for the hearing of the last appeal by the court of revision and for the certifying of the roll by the court of revision.

9. Section 41 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 272, s. 41,
repealed.

10. Subsection 1 of section 47a of *The Assessment Act*, as enacted by section 5 of *The Assessment Amendment Act, 1948*, is amended by inserting after the word "corporation" in the ninth line the words "or by any other municipal corporation", so that the subsection, exclusive of the clauses, shall read as follows:

Rev. Stat.,
c. 272, s. 47a,
subs. 1 (1948,
c. 5, s. 5),
amended.

- (1) Where the council of a municipal corporation, or a commission or trustees or other body acting for and on behalf of the corporation, operates a public utility (as defined in *The Department of Municipal Affairs Act*) which is exempt or partially exempt from municipal taxation, the council, commission, trustees or other body may agree to pay for any of the following municipal services rendered by the corporation or by any other municipal corporation:

Payment by
public
utility for
services.

Rev. Stat.,
c. 59.

.

11. Subsection 1 of section 52 of *The Assessment Act*, as re-enacted by section 8 of *The Assessment Amendment Act, 1946*, is amended by inserting after the figures "27" in the sixth line the word and figures "or 28", so that the subsection shall read as follows:

Rev. Stat.,
c. 272, s. 52,
subs. 1 (1946,
c. 3, s. 8),
amended.

- (1) The assessor or his assistant shall prior to the completion of the assessment roll for the municipality or ward, as the case may be, deliver in the manner hereinafter provided to every person named therein, except persons entered on the roll under section 27 or 28, a notice (Form 4) of the sum or sums for which such person has been assessed and such other particulars as are mentioned in the Form, and shall enter in the roll opposite the name of the person the date of delivery of such notice and the entry shall be *prima facie* evidence of such delivery.

Notice of
assessment.

12.—(1) Clause *c* of subsection 3 of section 59 of *The Assessment Act*, as re-enacted by section 5 of *The Assessment Amendment Act, 1949*, is amended by striking out the figures and letters "15th" in the fifth line and inserting in lieu thereof the figures and letters "30th", so that the clause shall read as follows:

Rev. Stat.,
c. 272, s. 59,
subs. 3, cl. *c*
(1949, c. 6,
s. 5),
amended.

- (*c*) the time fixed for hearing any assessment appeal by the court of revision be earlier than ten days from the day upon which the appeal may last be made or be later than the 30th day of November.

Rev. Stat.,
c. 272, s. 59,
subs. 8 (1949,
c. 6, s. 5),
amended.

(2) Subsection 8 of the said section 59 is amended by striking out the figures and letters "15th" in the fourth line and inserting in lieu thereof the figures and letters "30th", so that the subsection shall read as follows:

Time for
closing
court of
revision.

- (8) Except as provided in subsection 6, in every municipality the court of revision shall hear and dispose of all appeals and certify the assessment roll in every year on or before the 30th day of November.

Rev. Stat.,
c. 272, s. 59,
(1949, c. 6,
s. 5),
amended.

(3) The said section 59 is further amended by adding thereto the following subsection:

Where
county
court of
revision
established.

- (8a) Notwithstanding subsection 3 or 8 and except as provided in subsection 6, in any county where a county court of revision has been established the time for hearing and disposing of all appeals and certifying the assessment roll of any municipality forming part of the county for municipal purposes shall be the 15th day of January in the year following that in which the assessment roll was returned.

Rev. Stat.,
c. 272, s. 63
(1946, c. 3,
s. 15),
amended.

13.—(1) Section 63 of *The Assessment Act*, as re-enacted by section 15 of *The Assessment Amendment Act, 1946*, is amended by striking out all the words after the word "one-third" in the eleventh line, so that the section shall read as follows:

Rotary
system.

63. Any municipality instead of ascertaining the values of all lands in the municipality every year may by by-law provide for a two-year or three-year rotary system of ascertaining such values under which the assessor shall ascertain in one year the values of lands in one-half of the municipality and in the following year the values in the other one-half, or in one year the values in one-third of the municipality and in the following year the values in a second one-third and in the following year the values in the third one-third.

Rev. Stat.,
c. 272, s. 63
(1946, c. 3,
s. 15),
amended.

(2) The said section 63 is further amended by adding thereto the following subsection:

Where rotary
system first
adopted.

- (2) When a municipality first adopts the rotary system of ascertaining values of lands therein as provided in subsection 1, the system shall for the purpose of assessment become effective in the second year in the case of a two-year system and in the third year in the case of a three-year system and in the meanwhile the assessments of all such lands shall be entered on the yearly assessment roll or rolls at the

Subsection 3. The new subsection 8a provides that where a county court of revision has been established the time for the closing of the court shall be not later than January 15th unless the time is extended under subsection 6 of section 59.

SECTION 13. These amendments provide that where a rotary assessment system is adopted the new assessment cannot be used until all lands in the municipality have been re-assessed under the new system.

SECTION 14—Subsection 1. The amendment will permit publication of the notice of the sittings of the court of revision in a newspaper published in a neighbouring municipality rather than the nearest municipality, when there is no paper published in the municipality itself.

Subsection 2. Heretofore notice of the decision of the court of revision has been required only where the decision was reserved at the hearing. Under these amendments notice will be required in respect of all decisions of the court, whether reserved or not, and is to be given immediately after the court has heard and decided all appeals in the municipality or in the ward, division of wards or group of polling subdivisions, as the case may be.

SECTION 15—Subsections 1 and 2. These amendments are complementary to the amendments to section 73 of *The Assessment Act*, made by section 14 of this Bill.

values last ascertained before the system was adopted, except that the assessment of any such land may include in any year the value of any building not previously assessed which has been erected or placed on such land or the amount by which the value of any building which has been assessed is increased by any enlargement or alteration thereof.

14.—(1) Subsection 9 of section 73 of *The Assessment Act* Rev. Stat., c. 272, s. 73, subs. 9, amended. is amended by inserting after the word “nearest” in the third line the words “or a neighbouring”, so that the subsection shall read as follows:

(9) The clerk shall also advertise in some newspaper published in the municipality, or, if there be no such paper, then in some newspaper published in the nearest or a neighbouring municipality in which one is published, the time at which the court will hold its first sitting for the year, and the advertisement shall be published at least ten days before the time of such first sittings. Clerk to advertise sittings of court.

(2) Subsection 24 of the said section 73, as enacted by subsection 5 of section 18 of *The Assessment Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 73, subs. 24 (1946, c. 3, s. 18, subs. 5), re-enacted.

(24) When the court of revision has heard and decided all appeals brought before it, the clerk shall thereupon cause notice of the decision in each appeal to be given by registered mail to the persons to whom notice of the hearing of such appeal was given. Notice of decision.

(25) Where a by-law passed under subsection 3 of section 59 is in force in any municipality, the notice under subsection 24 as to appeals to the court of revision for any ward, division of wards or group of polling subdivisions shall be given forthwith after the court has decided all appeals for such ward, division or group. Idem.

15.—(1) Subsection 2 of section 76 of *The Assessment Act*, as amended by section 19 of *The Assessment Amendment Act, 1946* and subsection 1 of section 9 of *The Assessment Amendment Act, 1949*, is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 76, subs. 2, re-enacted.

(2) Subject to any special Act affecting any particular municipality, the person appealing shall, in person or by his solicitor or agent, serve upon the clerk of the municipality (or the assessment commissioner, Service of notice of appeal.

if any) within ten days after notice of the decision of the court of revision has been given by the clerk under subsection 24 or 25 of section 73, a written notice of his intention to appeal to the county judge.

Rev. Stat.,
c. 272, s. 76,
subs. 2a
(1949,
c. 6, s. 9,
subs. 2),
amended.

(2) Subsection 2a of the said section 76, as enacted by subsection 2 of section 9 of *The Assessment Amendment Act, 1949*, is amended by striking out all the words after the word "judge" in the fifth line, so that the subsection shall read as follows:

Where
by-law
under s. 59,
subs. 3,
in force.

(2a) In any municipality in which a by-law has been passed under subsection 3 of section 59, the provisions of this section so far as they are not inconsistent with the provisions of such by-law, shall apply to appeals to the county judge.

Rev. Stat.,
c. 272, s. 76,
subs. 7 (1949
c. 6, s. 9,
subs. 3),
amended.

(3) Subsection 7 of the said section 76, as re-enacted by subsection 3 of section 9 of *The Assessment Amendment Act, 1949*, is amended by striking out the figures and letters "15th" in the sixth line and inserting in lieu thereof the figures and letters "31st", so that the subsection shall read as follows:

Appeals to be
determined
by Decem-
ber 31st.

(7) At the court so held the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure, but so that, subject to any special Act affecting a particular municipality, all appeals are determined not later than the 31st day of December in the year in which the appeals are made.

Rev. Stat.,
c. 272, s. 76,
subs. 7a
(1949, c. 6,
s. 9, subs. 3),
amended.

(4) Subsection 7a of the said section 76, as enacted by subsection 3 of section 9 of *The Assessment Amendment Act, 1949*, is amended by striking out the figures and letters "15th" in the ninth line and inserting in lieu thereof the figures and letters "31st", so that the subsection shall read as follows:

Judge to
hear appeals
continuously
where roll
returned by
wards, etc.

(7a) Where the assessment is taken and the assessment roll is returned by wards or divisions of wards or by groups of polling subdivisions in any municipality, the county judge shall arrange from time to time throughout the year to sit and hear appeals from the court of revision upon the determination of appeals made to the court with respect to each roll, but so that all appeals are determined not later than the 31st day of December in the year in which the appeals are made.

Rev. Stat.,
c. 272, s. 76,
amended.

(5) The said section 76 is further amended by adding thereto the following subsection:

Subsections 3, 4 and 5. These amendments extend the time for the determination of appeals to a county judge to conform with the extension of the times for determination of appeals by courts of revision provided for in section 12 of this Bill.

SECTION 16. These amendments ensure that the county assessor will be informed of the return of the assessment roll and enlarge the period within which he can appeal from twenty days after the return of the roll to thirty days after he receives notice of such return.

SECTION 17. The amendments provide that the clerk of a county who has received notice that a municipality objects to the equalization appeal being heard by the judge, shall forward notice thereof to the Minister of Municipal Affairs rather than the Provincial Secretary. The section is also amended to provide that the judge or court shall not, in dealing with the equalization, reduce the aggregate valuation for the whole county as made by the assessors.

- (7aa) Where in any county a county court of revision has been constituted the time for the judge to determine appeals from such court shall be not later than the 15th day of February in the year following that in which the appeals to such court were made. Time for hearing where county court of revision.

16.—(1) Section 89a of *The Assessment Act*, as enacted by Rev. Stat., c. 272, s. 89a, section 5 of *The Assessment Amendment Act, 1940*, is amended (1940, c. 1, s. 5), by adding thereto the following subsection: amended.

- (2a) The clerk of every municipality in a county for which a county assessor has been appointed shall forthwith after the assessment roll has been returned to him by the assessor in any year give notice in writing by registered mail to the county assessor of the date on which such return was made. Clerk to notify county assessor of return of roll.

(2) Subsection 3 of the said section 89a, as amended by Rev. Stat., c. 272, s. 89a, section 20 of *The Assessment Amendment Act, 1947*, is further amended by striking out the words "twenty days after" in the third line and inserting in lieu thereof the words "thirty days after receiving from the clerk notice of the date of", so that the subsection shall read as follows: c. 272, s. 89a, subs. 3 (1940, c. 1, s. 5), amended.

- (3) Notice of an appeal by a county assessor to the court of revision of any municipality within the county may be given within thirty days after receiving from the clerk notice of the date of the return of the assessment roll of such municipality, and such appeal may be with respect to any particular assessment or omission to assess or generally with respect to all the assessments included in the roll or in any area of the municipality defined in the notice or generally with respect to assessments of land only or buildings only or business included in the roll or in any area of the municipality defined in the notice. Complaint to court of revision.

17.—(1) Paragraph 3 of section 91 of *The Assessment Act* is amended by striking out the words "Provincial Secretary" in the fourth line and inserting in lieu thereof the word "Minister", so that the paragraph shall read as follows: Rev. Stat., c. 272, s. 91, para. 3, amended.

3. Upon receiving notice of appeal in case any party to the appeal has objected to the final equalization of the assessment being made by the county judge, the clerk of the county council shall forthwith notify in writing the Minister of such objection, giving the name or names of the municipality or municipalities so objecting. Notice to Minister.

Rev. Stat., c. 272, s. 91, para. 4 (1943, c. 2, s. 4, subs. 1), re-enacted. (2) Paragraph 4 of the said section 91, as re-enacted by subsection 1 of section 4 of *The Assessment Amendment Act, 1943* and amended by subsection 1 of section 11 of *The Assessment Amendment Act, 1944*, is repealed and the following substituted therefor:

Appointment of court by Order in Council.

4. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may appoint three persons who shall form a court which shall at such time and place as the Lieutenant-Governor in Council appoints, proceed to hear and determine the appeal either with or without the evidence of witnesses or with such evidence as they may decide upon hearing, and may examine witnesses under oath or otherwise, and may adjourn from time to time, and the court shall equalize the valuations of real property made by the assessors in each municipality in the county, but shall not reduce the aggregate valuation for the whole county as made by the assessors, and shall forthwith report the same to the county council.

Rev. Stat., c. 272, s. 91, para. 8, amended. (3) Paragraph 8 of the said section 91, as amended by subsection 2 of section 11 of *The Assessment Amendment Act, 1944*, is further amended by inserting after the word "county" in the twelfth line the words "but shall not reduce the aggregate valuation for the whole county as made by the assessors", so that the paragraph shall read as follows:

Equalization by county judge.

8. Where all the parties to the appeal have agreed, as above provided, to have the final equalization of the assessment made by the county judge, the clerk of the county council shall forthwith notify in writing the county judge, and the county judge shall appoint a day for hearing the appeal, not later than ten days from the receipt of such notice of the appeal, and may on such day proceed to hear and determine the appeal, either with or without evidence of witnesses, or with such evidence as he may decide upon hearing, and may examine witnesses under oath or otherwise, and may adjourn from time to time, and the judge shall equalize the valuations of real property made by the assessors in each municipality in the county, but shall not reduce the aggregate valuation for the whole county as made by the assessors, and shall forthwith report the same to the county council.

Rev. Stat., c. 272, s. 94, amended. 18. Section 94 of *The Assessment Act*, as amended by section 13 of *The Assessment Amendment Act, 1944*, is further amended by adding thereto the following subsection:

SECTION 18. This new subsection provides for cases where part of the county becomes separated from the county for municipal purposes after the county equalization by-law has been passed.

SECTION 19. This new section authorizes the Minister of Municipal Affairs, on the request of two-thirds of the cities, towns, villages and townships in a territorial district, to appoint a district assessor. His work in assisting in uniform methods of assessment throughout the district will result in a more equal distribution of cost of such matters as are divided among different municipalities such as homes for the aged and education matters.

- (2) Where the council of a county has passed its by-law for equalizing assessments on which the rates for county purposes for the succeeding year are to be based and apportioned, and any municipality in the county, or any part thereof, thereafter ceases to form part of the county for municipal purposes, the council of the county shall amend the equalization by-law by deducting from the equalized assessments shown in the by-law that portion pertaining to the municipality, or part thereof, which has ceased to form part of the county, in order that the rates for county purposes for the said succeeding year may be based and apportioned on the remainder of the equalized assessments.
- Where land separated from county.

19. *The Assessment Act* is amended by adding thereto the following section:

Rev. Stat., c. 272, amended.

Territorial District Assessor.

98a.—(1) For the purposes of this section, "locality" shall mean,—

"Locality" defined.

(a) an improvement district erected under *The Municipal Act*; and

Rev. Stat., c. 266.

(b) a public school section (including a township school area and a union school section), or a separate school, or a high school district, in an unorganized township or townships or any part thereof or in unsurveyed territory,

and shall include the board of any of them.

- (2) The Minister may appoint a district assessor for any territorial district described in *The Territorial Division Act, 1949* whenever in any year such an appointment is requested by not less than two-thirds of the municipalities, other than improvement districts, in the territorial district.
- Appointment. 1949, c. 104.

- (3) The request for the appointment of a district assessor by any municipality shall be by a by-law of the municipality, a certified copy whereof shall be lodged with the Minister.
- Request by by-law.

- (4) If in any year the number of requests made for the appointment of a district assessor is insufficient, the by-law of any municipality passed in that year requesting the appointment be made shall expire at the end of that year and cease to have further effect.
- Idem.

- | | |
|------------------------------|--|
| Term of office. | (5) Every district assessor appointed under this section shall hold office during pleasure and when from any cause his office becomes vacant the Minister may appoint his successor. |
| Salary. | (6) The salary of each district assessor shall be such as may from time to time be fixed by the Minister. |
| Provision of equipment, etc. | <p>(7) With the approval of the Minister, a district assessor for the performance of the duties of his office may from time to time,—</p> <ul style="list-style-type: none"> (a) provide suitably furnished office premises for himself and his staff, if any, at a convenient place in the territorial district for which he is appointed; (b) provide mechanical and other office equipment, stationery and other office supplies as are necessary and sufficient for the purposes of his office; (c) appoint, engage the services and fix the salaries or wages of such assistant assessors, clerks and other employees, temporary or permanent, as are necessary and sufficient for the purposes of his office; (d) incur and pay such travelling and other costs, charges and expenses as are necessary for or ordinarily incidental to the purposes of his office. |
| Powers and duties. | (8) The district assessor appointed for a territorial district shall supervise the yearly assessment to be made in every municipality and locality therein and advise the local assessors thereon in order that in the preparation of the yearly assessment rolls uniform practices will be followed and that in making the yearly assessments the valuations and amounts thereof are determined in accordance with this Act and thereby ensure that the yearly assessments in every municipality and locality bear a just relation one to another. |
| Report to Minister. | (9) The district assessor shall not later than the 31st day of January in each year make a written report to the Minister and to the clerk of every municipality and the secretary of the board of every locality upon the matters to which subsection 8 applies in relation to the preceding year and in such |

report he shall make particular reference to any municipality or locality in the territorial district in which any material or substantial non-compliance with the requirements of this Act occurred during the preceding year.

- (10) The district assessor shall have the same rights with ^{Rights of appeal.} respect to appeals as to assessments as a county assessor has under section 89a and the provisions of that section in relation thereto shall, *mutatis mutandis*, apply and be followed.
- (11) The total annual cost incurred for the salaries and ^{Payment of costs.} wages of a district assessor and his staff, if any, and for all other expenses and disbursements in connection with his office as authorized by this section shall be chargeable to and be provided and paid by the municipalities and localities in the territorial district, and the amount of their respective shares shall be in the proportion that the rateable assessment of each of them bears to the total of the rateable assessments of all of them, according to their last revised assessment rolls.
- (12) The district assessor shall in December of each year ^{Budget.} prepare the budget of the estimated cost of his office for the ensuing year and of the proportion thereof chargeable to each municipality and locality and shall deliver a copy of such budget to each municipality and locality not later than the 15th day of that month.
- (13) Any municipality or locality not satisfied with such ^{Appeal.} budget or its proportion thereof may, within 10 days of receipt of same, appeal to the Minister whose decision on such appeal shall be final and binding and any correction in the budget or in the proportions chargeable to the municipalities and localities shall be made as the Minister may direct in writing.
- (14) Every municipality and locality shall in each year ^{Payments to assessor.} remit to the district assessor by equal quarterly payments in advance its proportion of the cost for that year as shown in the budget, or as shown in the budget as corrected according to the decision of the Minister upon an appeal, and such quarterly payments shall be made on the 15th day of January, April, July and October in each year, and if any such quarterly payment is not made on due date the same shall bear interest at the rate of six per centum per annum until paid.

Audit.

- (15) The district assessor shall keep proper books of account with respect to his office and the same shall be audited annually by the auditor of the municipality having the largest rateable assessment in the territorial district and the cost of the audit shall be deemed to be an expense of the office of the district assessor and be included in his annual budget.

Copy of
audit to
be delivered.

- (16) A copy of the auditor's report for each year shall be mailed by the auditor to each municipality and locality in the territorial district, and if a deficit occurred with respect to that year the amount thereof shall be included in the next budget, and if a surplus resulted for that year the same shall be shown in the next budget and shall serve to reduce the amount required to be provided by the municipalities and localities.

Rev. Stat.,
c. 272,
amended.

20. *The Assessment Act* is amended by adding thereto the following section:

Minimum
tax.

- 104a.—(1) The council of any municipality may by by-law provide that where the sum of the taxes for which any person is chargeable in any year for municipal, school, local improvement and other purposes, upon any real property assessed in one parcel to the same owner would according to the assessment thereon be less than \$3, the sum of such taxes shall be deemed to be \$3 and shall be so entered on the collector's roll, and the difference between the sum that would have been entered but for this section and the sum of \$3 shall form part of the general funds of the municipality.

Existing
combined
assessments
to be
continued.

- (2) Where immediately prior to the passing of a by-law by any municipality under subsection 1, lots therein owned by the same person were assessed together under clause *f* of subsection 1 of section 23, such lots shall continue to be so assessed as long as they all remain the property of that person, provided that nothing in this subsection shall be deemed to apply to the amount at which such lots may be assessed.

Requirement
for combined
assessment.

- (3) Where at any time after the passing of a by-law by any municipality under subsection 1, lots therein which adjoin one another are shown on the same registered plan and are owned by the same person, he may by notice in writing to the assessor require that such lots shall thereafter be assessed as one parcel and at one total amount of assessment during such time as he continues to be the owner.

SECTION 20. Self-explanatory.

SECTION 21. Section 124 provides for the taking of business assessment in the year in which the taxes are to be levied thereon. The amendment authorizes the municipality, where in respect of its land assessment it provides for different times, etc., for the return of the roll for different wards, etc., to make similar provisions respecting business assessment made under this section.

SECTION 22. This amendment authorizes an application to the court of revision for the abatement or refund of taxes where the land during the year has become exempt from taxation.

SECTION 23. The provision that the assessment commissioner of a city can apportion the taxes on land assessed in one block which has been broken up into parcels owned by more than one person, is extended to cover all municipalities having an assessment commissioner.

SECTION 24. It is no longer possible to obtain a surveyor's description of land sold at tax sale for \$1 and the limitation is therefore removed.

21. Section 124 of *The Assessment Act*, as amended by section 27 of *The Assessment Amendment Act, 1946* and section 25 of *The Assessment Amendment Act, 1947*, is further amended by adding thereto the following subsection:

- (2a) In any municipality in which a by-law passed under subsection 3 of section 59 is in force, the council may also provide in the by-law passed under this section that the business assessment may be taken by wards, divisions of wards or groups of polling subdivisions, as the case may be, and in the by-law shall provide for the time when the roll shall be returned and the court of revision held for each ward, division or group.

22. Subsection 1 of section 125 of *The Assessment Act*, as re-enacted by subsection 1 of section 15 of *The Assessment Amendment Act, 1944*, is amended by adding at the end of clause *e* the word "or", and by adding thereto the following clause:

- (f) in respect of land which has become exempt from taxation during the year, for a proportionate part of the taxes based on the number of months in that year during which the exemption applied.

23. Section 141 of *The Assessment Act* is amended by striking out the word "cities" in the first line and inserting in lieu thereof the word "municipalities", so that the section shall read as follows:

141. In municipalities having an assessment commissioner, where taxes or rates are or have become due upon land assessed in one block, the assessment commissioner, upon application by or on behalf of any person claiming to be an owner of one or more parcels of such land, may, after notice of application to all the owners, make the apportionment in subsection 1 of section 140 mentioned, and thereafter the treasurer shall accept taxes or rates apportioned to any subdivision in satisfaction of the taxes or rates thereon, and each subdivision shall only be liable to sale for non-payment of the taxes or rates so apportioned to or charged against it.

24. Section 175 of *The Assessment Act* is amended by striking out the words "such surveyor's fee not to exceed \$1", in the tenth and eleventh lines, so that the section shall read as follows:

Expenses of
search in
registry
office for
description,
etc.

175. The treasurer shall, in all certificates and deeds given for lands sold at such sale, give a description of the part sold with sufficient certainty, and if less than a whole lot is sold, then he shall give such a general description as may enable a surveyor to lay off the piece sold on the ground, and he may make search, if necessary, in the registry office, to ascertain the description and boundaries of the whole parcel, and he may also obtain a surveyor's description of such lots, to be taken from the registry office or the government maps, where a full description cannot otherwise be obtained, and the charges so incurred shall be included in the account and paid by the purchaser of the land sold, or the person redeeming the same.

Rev. Stat.,
c. 272,
amended.

25. *The Assessment Act* is amended by adding thereto the following section:

Disclosure
of
information.

211a.—(1) Any assessment commissioner or assessor or other person in the employ of a municipality who in the course of his duties acquires or has access to information, furnished by any person pursuant to sections 16 or 17, which relates in any way to determination of the value of any real property or the amount of assessment thereof or to the determination of the amount of any business assessment, and who wilfully discloses or permits to be disclosed any such information not required to be entered on the assessment roll to any other persons not likewise entitled in the course of his duties to acquire or have access to the information, shall be liable to a penalty of not more than \$200, or to imprisonment for a term of not more than six months, or to both.

Exception.

(2) This section shall not prevent disclosure of such information by any person when being examined as a witness in an assessment appeal or in an action or other proceeding in a court or in an arbitration.

Rev. Stat.,
c. 272,
Form 1,
re-enacted.

26.—(1) Form 1 of *The Assessment Act*, as amended by section 7 of *The Assessment Amendment Act, 1940*, is repealed and Form 1 as set out in the Schedule to this Act is substituted therefor.

Rev. Stat.,
c. 272,
Form 4
(1938, c. 37,
s. 2, subs. 4),
re-enacted.

(2) Form 4 of *The Assessment Act*, as re-enacted by subsection 4 of section 2 of *The Statute Law Amendment Act, 1938* and amended by subsection 1 of section 22 of *The Assessment Amendment Act, 1948*, is repealed and Form 4 as set out in the Schedule to this Act is substituted therefor.

SECTION 25. This new section provides a penalty against the improper disclosure of information obtained by assessors, etc., in the course of their duties.

SECTION 26—Subsection 1. The re-enactment of this Form is complementary to the re-enactment of section 17 of the Act by section 4 of this Bill.

Subsection 2. Form 4 is the form of assessment notice and is re-enacted for simplification.

27.—(1) This Act, except sections 1, 2, 3, 4, 7, 8, 9, 10, 11, 20, 21 and 26, shall come into force on the day it receives the Royal Assent. <sup>Commence-
ment of Act.</sup>

(2) Sections 1, 3, 7, 8, 9, 10, 11 and 21 shall be deemed to have come into force on the 1st day of January, 1950. ^{Idem.}

(3) Section 2 shall be deemed to have come into force on the 1st day of January, 1950, but, with respect to municipalities that assess for business assessment under section 124 of *The Assessment Act*, shall not apply until the 1st day of January, 1951. ^{Idem.}

(4) Sections 4, 20 and 26 shall come into force on the 1st day of January, 1951. ^{Idem.}

28. This Act may be cited as *The Assessment Amendment Act, 1950*. ^{Short title.}

SCHEDULE

FORM 1

(Section 17)

THE OF
(Name of Municipality)

NOTICE TO OWNER FOR RETURN OF ASSESSMENT INFORMATION
TENANT

Real Property to which this Notice relates

Roll No..... (19...) Ward..... Poll. Sub. No..... School Section
or Area No.....

Name of Owner last assessed.....

Name of Tenant last assessed.....

Lot or part of Lot No. Concession No. Reputed Acreage.....Ac.

Street and Street No..... on Side of Street
(Number) (Name of Street)

Subdivision Lot or part of Lot No. Block..... Registered Plan No.....
(Assessor to fill in whichever description most readily identifies the property)

To..... P.O. Address.....

We understand you are the present owner or part owner of the above described
tenant

property which during the current year we have already visited on two or more occasions
in the course of our duties, namely, on

.....
(The Assessor must enter date of each visit on above line)

to enable us to make an accurate assessment of both persons and property for entry
on the assessment roll now being made. On none of these occasions were we able to
obtain information we must enter on the roll or on the Census Register and we are
compelled, therefore, to seek the missing information from you so that the proper
assessment and record of persons and property may be made. Herewith we send you
the undermentioned forms of Questionnaire, which pursuant to *The Assessment Act*
you are required to complete and have filed with the undersigned within 10 days after
the date of delivery or mailing of this notice. We trust you will give prompt attention
to this matter and thereby avoid subjecting yourself to the penalty for non-compliance
which the statute imposes.

Forms of Questionnaire herewith:

(The assessor to enter above the particular form or forms being sent by showing the reference
letter which identifies it, namely, A, B, C, D, E, or F, as the case may be.)

Dated this.....day of.....19... ..
(Assessor or Assessment Commissioner)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE A

Roll No..... (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....
(Above to be filled in by the Assessor before delivery or mailing)PARTICULARS OF REAL PROPERTY TO BE FURNISHED BY OWNER
TENANT

1. Interior of Building:

- (a) Number of rooms.....
- (b) Type of heating system.....
- (c) Plumbing installation—Kinds and number of fixtures.....
-

2. Land Acreage (farm property only):

- (a) Cleared.....ac. (b) Woodland.....ac. (c) Slashland.....ac.
- (d) Swamp, Marsh or Waste.....ac. (e) Total.....ac.

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19.... ..
(Signature of Owner or Tenant)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE B

Roll No..... (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....
(Above to be filled in by the Assessor before delivery or mailing)

PARTICULARS OF OWNERSHIP TO BE FURNISHED BY OWNER

1. Name in full of each Owner	Female Owner M., W., or S.	Year of Birth	Address	Occupation	British Subject (B. S.) or Alien (A.)	Religion	Public or Separate School Support (P.S.) (S.S.)	Where Spouse (if any) is not an Owner	
								Given or Christian Name	Year of Birth

2. PARTICULARS OF OCCUPANCY BY OTHER THAN OWNER—

TO BE FURNISHED BY OWNER

(a) If the property is occupied by any person other than an owner:

(i) state name of such occupant.....

(ii) state nature of his occupancy.....

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19....
(Signature of Owner)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE C

Roll No. (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....
(Above to be filled in by the Assessor before delivery or mailing)

PARTICULARS OF GROSS RENTALS TO BE FURNISHED BY OWNER

1.	Gross Rentals	Preceding Year 19.... Actual	Current Year 19.... Estimated
		\$	\$
(a)	Total amount received and to be received for the whole year		
(b)	Total not received or receivable for the year by reason of:		
	(i) vacancies.....		
	(ii) occupancy by persons not obliged to pay rent or full rental.....		
	(iii) other causes as below stated.....		
	Total.....		

2. Do rent control regulations apply with respect to the whole or any part of the property? If so, state particulars:

.....

.....

3.	Deductions from Gross Rentals for services supplied by owner	Preceding Year 19.... Actual	Current Year 19.... Estimated
	(State nature and amount of each item separately)	\$	\$
(a)		
(b)		
(c)		
	Total.....		

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19.... (Signature of Owner)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE D

Roll No..... (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....
(Above to be filled in by the Assessor before delivery or mailing)

PARTICULARS OF TENANCY TO BE FURNISHED BY TENANT

[illegible]

2. Give name and P.O. Address hereunder of the owner, or if the owner's name is not known, give the name and P.O. Address of his agent or other person to whom the tenant pays rent.

.....

.....

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19....

.....
(Signature of Tenant)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE E

Roll No. (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....
(Above to be filled in by the Assessor before delivery or mailing)

PARTICULARS OF GROSS RENTALS PAYABLE TO BE FURNISHED BY TENANT

1.	Preceding Year 19.... Actual	Current Year 19.... Estimated
Gross Rentals		
(a) Total rent paid and yet to be paid for the whole year.....	\$	\$
(b) Total amount paid and yet to be paid (in addition to rent) with respect to the property for:		
(i) services furnished by the owner.....		
(ii) garage or car storage or parking space.....		
(iii) other purposes as itemized below—		
.....		
.....		
.....		
Total.....		

2. Do rent control regulations apply with respect to the whole or any part of the property? If so, state particulars.....
.....
.....

3. Deduction from gross rentals payable which the owner is obliged to allow to the tenant. State nature and amount of each item separately.	Preceding Year 19.... Actual	Current Year 19.... Estimated
(i)		
(ii)		
Total.....		

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19....
(Signature of Tenant)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE F

Roll No..... (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....
(Above to be filled in by the Assessor before delivery or mailing)PARTICULARS OF CENSUS FOR CURRENT YEAR TO BE FURNISHED BY OWNER
TENANT

1. Name in full of each person residing on the property, including occupant's family, relatives, boarders, roomers, employees, etc.	Occupation	Year of Birth	British Subject (B. S.) or Alien (A.)

2. Number of dogs kept on the property:

(a) Male or spayed female..... (b) Female not spayed.....

Total.....

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19....
(Signature of Owner or Tenant)

P. O. Address.....

FORM 4

(Section 52)

THIS NOTICE WAS
DELIVERED OR
MAILED ON THETHE.....OF.....
(Name of Municipality)

.....DAY

NOTICE OF ASSESSMENT MADE IN 19.....

OF.....

FOR TAXATION IN 19.....

19.....

Roll No..... Ward..... Poll. Sub. No.....

School Section or Area No.....

Take notice that you are assessed for taxation as herein specified. If you deem yourself improperly assessed in any respect you or your agent may within.....days after the.....day of.....19.....
(Insert date on which Roll is to be returned)

notify the Clerk or Assessment Commissioner in writing of your complaint and it will be tried by the Court of Revision.

..... P. O. Address.....
Assessor (or Assessment Commissioner)

DESCRIPTION OF PROPERTY ASSESSED

Lot Number or Street Number	Number of Concession or Name of Street	Side of Road or Street or other Location	Acreage or Street Frontage	REGISTERED PLAN		
				Lot or part of Lot	Block	Plan No.

PARTICULARS OF AMOUNT OF ASSESSMENT

REAL PROPERTY ASSESSMENT			REAL PROPERTY ASSESSMENT WHICH IS.			BUSINESS ASSESSMENT	
Land \$	Buildings \$	Total \$	A Liable for School Rates only \$	B Liable for Local improve- ments only \$	C Exempt from Taxation \$	Percentage of Assessed Value	Amount \$

PARTICULARS OF PERSONS ASSESSED

Name of Owners and Tenants	Owner (O.) Tenant (T.) Legislative Franchise (L.F.)	British Subject (B.S.) or Alien (A.)	Public School (P.S.) Separate School (S.S.) Support	Occupation	YOU ARE ASSESSED AS A PUBLIC SCHOOL SEPARATE SCHOOL SUPPORTER IN RESPECT OF THE ABOVE DESCRIBED PROPERTY

Where property is occupied by a tenant, taxation for school purposes is determined accordingly as the tenant is assessed for school support.

Detach at perforation, if you are appealing your assessment. Retain the top portion and use lower portion for notice of appeal.

NOTICE OF APPEAL FROM ASSESSMENT Roll No. (19...)

THE OF
(Name of Municipality)

To the Clerk or Assessment Commissioner:

Take notice that I hereby appeal from the assessment made under the above mentioned Roll Number for the following reasons:—

.....
.....
.....

Dated 19..... Signature of Appellant or his Agent

P.O. Address

BILL

An Act to amend The Assessment Act.

1st Reading

March 9th, 1950

2nd Reading

3rd Reading

MR. DUNBAR

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Assessment Act.

MR. DUNBAR

(Reprinted as amended by the Committee on Municipal Law.)

EXPLANATORY NOTES

SECTION 1—Subsection 1. Paragraph 6 in addition to dealing with public hospital exemptions has heretofore applied to city and town halls and court houses, gaols and lock-ups. As all of these institutions other than hospitals are provided for in paragraph 1 or 8, there is no need for dealing with any but hospitals in paragraph 6.

Subsection 2. The paragraph presently provides exemptions respecting The Boy Scouts Association and The Canadian Girl Guides Association. Land held within these bodies is held by provincial or local groups and the paragraph is re-enacted to make the exemption effective. The exemption is also now limited to property owned, occupied and used solely for the purposes of the main body and Ontario groups.

SECTION 2. The new subsection 5a and 7a provide for assessment of telephone and telegraph companies in respect of land in townships on which buildings have been erected or placed. Subsection 11 is re-enacted to conform with these new provisions.

No. 102

1950

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 6 of section 4 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 4, para. 6, re-enacted.

6. Every public hospital receiving aid under *The Hospitals Aid Act, 1948*, with the land attached thereto, but not land of a public hospital when occupied by any person as tenant or lessee. Public hospitals, 1948, c. 40.

(a) Land owned and used by such a public hospital for farming purposes shall be deemed attached to the hospital within the meaning of this paragraph, notwithstanding that it is separated therefrom by a highway.

(2) Paragraph 9 of the said section 4, as re-enacted by subsection 2 of section 1 of *The Assessment Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 4, para. 9 (1946, c. 3, s. 1, subs. 2), re-enacted.

9. Property owned, occupied and used solely and only by The Boy Scouts Association or The Canadian Girl Guides Association or by any provincial or local association or other local group in Ontario which is a member of either Association or is otherwise chartered or officially recognized by it. Boy Scouts and Girl Guides.

2.—(1) Section 12 of *The Assessment Act*, as amended by section 8 of *The Assessment Amendment Act, 1947*, is further amended by adding thereto the following subsections: Rev. Stat., c. 272, s. 12, amended.

(5a) In a township the land of a telephone company on which any building is erected or placed, and the building itself, shall be liable to assessment. Telephone company assessable for land built on in townships.

(7a) In a township the land of a telegraph company on which any building is erected or placed, and the building itself, shall be liable to assessment. Telegraph company assessable for land built on in township.

Rev. Stat.,
c. 272, s. 12,
subs. 11,
re-enacted,

(2) Subsection 11 of the said section 12 is repealed and the following substituted therefor:

Assessment
exemptions
of companies.

- (11) Every company assessed as provided in this section shall be exempt from assessment in any municipality in respect of all machinery, plant and appliances wherever situate, and shall be exempt from assessment in cities, towns, villages and police villages in respect of all structures placed on, over, under or affixed to any highway, lane or other public communication, public place or water.

Rev. Stat.,
c. 272,
ss. 16, 17,
re-enacted.

3. Sections 16 and 17 of *The Assessment Act*, as amended by sections 10 and 11 respectively of *The Assessment Amendment Act, 1947*, are repealed and the following substituted therefor:

Right of
access.

- 16.—(1) The assessment commissioner, if any, and every assessor of a municipality shall at all reasonable times and upon reasonable request be given free access to all land and to all parts of every building, structure, machinery and fixture erected or placed upon, in, over, under or affixed to the land, for the purpose of making a proper assessment thereof or of making a proper business assessment in respect thereof.

Information.]

- (2) Every adult person present on land when an assessment commissioner or an assessor of the municipality visits the land in the performance of his duties, shall upon request give to such commissioner or assessor all the information in his knowledge which will assist such commissioner or assessor to make a proper assessment of the land and every building, structure, machinery and fixture erected or placed upon, in, over, under or affixed to the land, to make a proper business assessment in respect thereof, and to obtain the information he requires with respect to any person whose name he is required to enter on the assessment roll or in the census register.

Where
assessor
unable to
obtain
information
by visit.

- 17.—(1) Where an assessment commissioner or an assessor has twice visited land for the purpose of making a proper assessment thereof or a proper business assessment in respect thereof or census and has been unable to obtain all information necessary for such purpose, he may deliver or cause to be delivered or mailed to the address of any person, whether resident in the municipality or not, who is or may be assessed in respect of the land, a notice and any of the questionnaires in Form 1.

SECTION 3. Sections 16 and 17 are re-enacted to clarify the assessor's right of access for the purpose of making an assessment, and also to make it clear that the authority for the assessor to require the completion of questionnaires by persons assessed or liable to be assessed is operative only after he has twice visited the property and has been unable to obtain all necessary information.

SECTION 4. This provision is new.

SECTION 5—Subsection 1. This amendment extends the authority to describe part of a lot by frontage to townships as well as cities, towns and villages.

Subsection 2. This amendment extends to all local municipalities the provision formerly restricted to cities that no part of a building used as a residence can be separately assessed unless it is a self-contained domestic establishment.

- (2) Every person to whom such notice and any of such questionnaires are delivered or mailed shall, within ten days after the delivery or mailing, enter thereon in the proper places all the information required thereby that is within his knowledge and sign and deliver or mail the questionnaires to the assessment commissioner or assessor whose name and address appear on the notice. Return of questionnaire.

- (3) Except as provided in this or any other section of this Act, no person may be required by an assessment commissioner, assessor or other person to furnish information with respect to the assessment of land, business or persons or with respect to the census. Proviso.

4. Section 22 of *The Assessment Act*, as amended by section 14 of *The Assessment Amendment Act, 1947*, is further amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 22, amended.

- (3) Every person who wilfully obstructs or interferes with an assessment commissioner or assessor in the performance of any of his duties or the exercise of his rights, powers and privileges under this Act shall incur a penalty of not more than \$200. Obstruction of assessor, etc.

5.—(1) Clause *d* of subsection 1 of section 23 of *The Assessment Act* is amended by striking out the words "Where part of a lot in a city, town or village" at the commencement thereof and inserting in lieu thereof the words "Where part of a subdivision lot in a municipality", so that the clause shall read as follows: Rev. Stat., c. 272, s. 23, subs. 1, cl. d, amended.

- (*d*) Where part of a subdivision lot in a municipality is to be assessed it shall be a sufficient description of it if the name of the owner and the tenant, if any, and the number of feet of its frontage are entered on the assessment roll, and the part assessed shall be deemed to be that part of the lot belonging to the owner whose name is so entered. Description of part of lot.

(2) Clause *e* of subsection 1 of the said section 23, as amended by section 2 of *The Assessment Amendment Act, 1939*, is further amended by striking out the words "in cities" in the amendment of 1939, so that the clause shall read as follows: Rev. Stat., c. 272, s. 23, subs. 1, cl. e, amended.

- (*e*) Each subdivision shall be assessed separately, and every parcel of land (whether a whole subdivision or a portion thereof, or the whole of a portion of any building thereon) in the separate occupation of any person, shall be separately assessed; provided that no portion of any building used or intended to be used as a residence shall be separately assessed unless it is a domestic establishment of two or more rooms in which the occupants usually sleep and prepare and serve meals. Each lot to be assessed.

Rev. Stat.,
c. 272, s. 23,
subs. 1,
amended.

(3) Subsection 1 of the said section 23 is further amended by adding thereto the following clauses:

Entry on
roll by
streets.

- (l) Where in any municipality or portion of a municipality, streets and other highways are commonly known locally by names or numbers they shall be entered and listed in the assessment roll by their names or numbers according to such orderly plan or method that every separately assessed parcel fronting on either side of such street or highway is entered on the roll in proper sequence of street numbers for that side of the street or highway on which it fronts or, if there be no street numbers, in such other suitable sequence for that side of the street or highway on which it fronts as will ensure ready and certain identity for each separately assessed parcel.

Where no
street
names.

- (m) Where in any municipality or portion of a municipality, streets and highways are not commonly known locally by names or numbers, every assessed parcel shall be entered in the assessment roll according to such orderly plan or method and in such suitable sequences as will ensure ready and certain identity for each separately assessed parcel.

Separation
of wards,
etc.

- (n) In the preparation of the assessment roll for any municipality, it shall be so arranged that the assessments for each ward and for each polling subdivision into which the municipality is divided shall be kept separate from the assessments for every other ward and polling subdivision.

Separation
of school
sections
or areas.

- (o) In the preparation of the assessment roll for any township divided into public school areas or public school sections, it shall be so arranged that the assessments for each public school area or public school section shall be kept separate from the assessments for every other public school area or public school section; provided that this clause shall not apply in any township divided into wards or polling subdivisions if the boundaries thereof or of a grouping thereof do not coincide with the boundaries of the public school areas or public school sections.

Rev. Stat.,
c. 272, s. 38,
subs. 1 (1946,
c. 3, s. 6),
amended.

6.—(1) Subsection 1 of section 38 of *The Assessment Act*, as re-enacted by section 6 of *The Assessment Amendment Act, 1946* and amended by subsection 1 of section 16 of *The Assessment Amendment Act, 1947*, is further amended by adding thereto the following clause:

Subsection 3. These new clauses will require the assessor to compile the roll by streets and street numbers. This will assist in searches, preparation of voters' lists and other matters of that nature.

SECTION 6. These amendments are to provide that a person using Crown land as his residence shall be assessable although he is not within the normal meaning of the word "tenant".

SECTION 7. The use of "revenue" in determining the assessment of land without buildings is replaced by "normal rental value".

(a) For the purposes of this subsection,

- (i) "tenant", in addition to its meaning under clause *o* of section 1, shall also include any person who uses land belonging to the Crown as or for the purposes of, or in connection with his residence, irrespective of the relationship between him and the Crown with respect to such use,
- (ii) "residence" shall mean a building or part of a building used as a domestic establishment and consisting of two or more rooms in which persons usually sleep and prepare and serve meals,
- (iii) "rent or any valuable consideration" shall be deemed to have been paid, in the case of an employee using land belonging to the Crown as a residence, where there is a reduction in or deduction from the salary, wages, allowances or emoluments of the employee because of such use or where such use is taken into consideration in determining the employee's salary, wages, allowances or emoluments.

(2) Subsection 3 of the said section 38 is amended by Rev. Stat., c. 272, s. 38, subs. 3 (1946, c. 3, s. 6), amended. striking out the words "the land" in the third line and inserting in lieu thereof the word "him", so that the subsection shall read as follows:

- (3) In addition to the liability of every person assessed Tenant's interests may be sold. under subsection 1 or 2 to pay the taxes assessed against him, the interest in such land, if any, of every person other than the Crown and the tribe or body of Indians for which it is held in trust or any member thereof, shall be subject to the lien given by section 99 and shall be liable to be sold or vested in the municipality for arrears of taxes.

7. Subsection 2 of section 39 of *The Assessment Act*, as re- Rev. Stat., c. 272, s. 39, subs. 2 (1946, c. 3, s. 7, subs. 1), amended. enacted by subsection 1 of section 7 of *The Assessment Amendment Act, 1946*, is amended by striking out the word "revenue" in the third line and inserting in lieu thereof the words "normal rental value", so that the subsection shall read as follows:

- (2) In ascertaining the actual value of land without Land without buildings. buildings thereon consideration shall be given to the present use, location, normal rental value, normal sale value and any other circumstance affecting the value.

Rev. Stat.,
c. 272, s. 41,
repealed.

8. Section 41 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 272, s. 47a,
subs. 1 (1948,
c. 5, s. 5),
amended.

9. Subsection 1 of section 47a of *The Assessment Act*, as enacted by section 5 of *The Assessment Amendment Act, 1948*, is amended by inserting after the word "corporation" in the ninth line the words "or by any other municipal corporation", so that the subsection, exclusive of the clauses, shall read as follows:

Payment by
public
utility for
services.

Rev. Stat.,
c. 59.

- (1) Where the council of a municipal corporation, or a commission or trustees or other body acting for and on behalf of the corporation, operates a public utility (as defined in *The Department of Municipal Affairs Act*) which is exempt or partially exempt from municipal taxation, the council, commission, trustees or other body may agree to pay for any of the following municipal services rendered by the corporation or by any other municipal corporation:

.

Rev. Stat.,
c. 272, s. 52,
subs. 1 (1946,
c. 3, s. 8),
amended.

10. Subsection 1 of section 52 of *The Assessment Act*, as re-enacted by section 8 of *The Assessment Amendment Act, 1946*, is amended by inserting after the figures "27" in the sixth line the word and figures "or 28", so that the subsection shall read as follows:

Notice of
assessment.

- (1) The assessor or his assistant shall prior to the completion of the assessment roll for the municipality or ward, as the case may be, deliver in the manner hereinafter provided to every person named therein, except persons entered on the roll under section 27 or 28, a notice (Form 4) of the sum or sums for which such person has been assessed and such other particulars as are mentioned in the Form, and shall enter in the roll opposite the name of the person the date of delivery of such notice and the entry shall be *prima facie* evidence of such delivery.

Rev. Stat.,
c. 272, s. 59,
subs. 3, cl. c
(1949, c. 6,
s. 5),
amended.

11.—(1) Clause *c* of subsection 3 of section 59 of *The Assessment Act*, as re-enacted by section 5 of *The Assessment Amendment Act, 1949*, is amended by striking out the figures and letters "15th" in the fifth line and inserting in lieu thereof the figures and letters "30th", so that the clause shall read as follows:

- (c) the time fixed for hearing any assessment appeal by the court of revision be earlier than ten days from the day upon which the appeal may last be made or be later than the 30th day of November.

SECTION 8. The repealed section 41 authorized the assessment of land not held for sale but for a park, lawn, pleasure ground, etc., by capitalizing the rental value. This land will henceforth be assessed in the normal manner.

SECTION 9. The effect of the amendment is to authorize a public utility undertaking to pay for municipal services rendered to it not only by the municipality for which it is formed but also by any other municipality.

SECTION 10. This amendment dispenses with the necessity for sending municipal assessment notices to persons whose names are on the assessment roll only because of their right to vote at provincial elections.

SECTION 11—Subsections 1 and 2. These amendments extend from November 15th to November 30th the time for the hearing of the last appeal by the court of revision and for the certifying of the roll by the court of revision.

Subsection 3. The new subsection 8a provides that where a county court of revision has been established the time for the closing of the court shall be not later than January 15th unless the time is extended under subsection 6 of section 59.

SECTION 12. These amendments provide that where a rotary assessment system is adopted the new assessment cannot be used until all lands in the municipality have been re-assessed under the new system.

(2) Subsection 8 of the said section 59 is amended by striking out the figures and letters "15th" in the fourth line and inserting in lieu thereof the figures and letters "30th", so that the subsection shall read as follows: Rev. Stat., c. 272, s. 59, subs. 8 (1949, c. 6, s. 5), amended.

(8) Except as provided in subsection 6, in every municipality the court of revision shall hear and dispose of all appeals and certify the assessment roll in every year on or before the 30th day of November. Time for closing court of revision.

(3) The said section 59 is further amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 63 (1949, c. 6, s. 5), amended.

(8a) Notwithstanding subsection 3 or 8 and except as provided in subsection 6, in any county where a county court of revision has been established the time for hearing and disposing of all appeals and certifying the assessment roll of any municipality forming part of the county for municipal purposes shall be the 15th day of January in the year following that in which the assessment roll was returned. Where county court of revision established.

12.—(1) Section 63 of *The Assessment Act*, as re-enacted by section 15 of *The Assessment Amendment Act, 1946*, is amended by striking out all the words after the word "one-third" in the eleventh line, so that the section shall read as follows: Rev. Stat., c. 272, s. 63 (1946, c. 3, s. 15), amended.

63. Any municipality instead of ascertaining the values of all lands in the municipality every year may by by-law provide for a two-year or three-year rotary system of ascertaining such values under which the assessor shall ascertain in one year the values of lands in one-half of the municipality and in the following year the values in the other one-half, or in one year the values in one-third of the municipality and in the following year the values in a second one-third and in the following year the values in the third one-third. Rotary system.

(2) The said section 63 is further amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 63 (1946, c. 3, s. 15), amended.

(2) When a municipality first adopts the rotary system of ascertaining values of lands therein as provided in subsection 1, the system shall for the purpose of assessment become effective in the second year in the case of a two-year system and in the third year in the case of a three-year system and in the meanwhile the assessments of all such lands shall be entered on the yearly assessment roll or rolls at the Where rotary system first adopted.

values last ascertained before the system was adopted, except that the assessment of any such land may include in any year the value of any building not previously assessed which has been erected or placed on such land or the amount by which the value of any building which has been assessed is increased by any enlargement or alteration thereof.

Rev. Stat.,
c. 272, s. 73,
subs. 9,
amended.

13.—(1) Subsection 9 of section 73 of *The Assessment Act* is amended by inserting after the word "nearest" in the third line the words "or a neighbouring", so that the subsection shall read as follows:

Clerk to
advertise
sittings
of court.

(9) The clerk shall also advertise in some newspaper published in the municipality, or, if there be no such paper, then in some newspaper published in the nearest or a neighbouring municipality in which one is published, the time at which the court will hold its first sitting for the year, and the advertisement shall be published at least ten days before the time of such first sittings.

Rev. Stat.,
c. 272, s. 73,
subs. 24
(1946, c. 3,
s. 18,
subs. 5),
re-enacted.

(2) Subsection 24 of the said section 73, as enacted by subsection 5 of section 18 of *The Assessment Amendment Act, 1946*, is repealed and the following substituted therefor:

Notice of
decision.

(24) When the court of revision has heard and decided an appeal, the clerk shall thereupon cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing of such appeal was given.

Rev. Stat.,
c. 272, s. 76,
subs. 2,
re-enacted.

14.—(1) Subsection 2 of section 76 of *The Assessment Act*, as amended by section 19 of *The Assessment Amendment Act, 1946* and subsection 1 of section 9 of *The Assessment Amendment Act, 1949*, is repealed and the following substituted therefor:

Service of
notice of
appeal.

(2) Subject to any special Act affecting any particular municipality, the person appealing shall, in person or by his solicitor or agent, serve upon the clerk of the municipality (or the assessment commissioner, if any) within ten days after notice of the decision of the court of revision has been given by the clerk under subsection 24 of section 73, a written notice of his intention to appeal to the county judge.

Rev. Stat.,
c. 272, s. 76,
subs. 2a
(1949,
c. 6, s. 9,
subs. 2),
amended.

(2) Subsection 2a of the said section 76, as enacted by subsection 2 of section 9 of *The Assessment Amendment Act, 1949*, is amended by striking out all the words after the word "judge" in the fifth line, so that the subsection shall read as follows:

SECTION 13—Subsection 1. The amendment will permit publication of the notice of the sittings of the court of revision in a newspaper published in a neighbouring municipality rather than the nearest municipality, when there is no paper published in the municipality itself.

Subsection 2. Heretofore notice of the decision of the court of revision has been required only where the decision was reserved at the hearing. Under this amendment notice will be required in respect of all decisions of the court, whether reserved or not, and is to be given immediately after the court has heard and decided an appeal.

SECTION 14—Subsections 1 and 2. These amendments are complementary to the amendments to section 73 of *The Assessment Act*, made by section 13 of this Bill.

Subsections 3, 4 and 5. These amendments extend the time for the determination of appeals to a county judge to conform with the extension of the times for determination of appeals by courts of revision provided for in section 11 of this Bill.

SECTION 15. These amendments ensure that the county assessor will be informed of the return of the assessment roll and enlarge the period within which he can appeal from twenty days after the return of the roll to thirty days after he receives notice of such return.

- (2a) In any municipality in which a by-law has been passed under subsection 3 of section 59, the provisions of this section so far as they are not inconsistent with the provisions of such by-law, shall apply to appeals to the county judge. Where by-law under s. 59, subs. 3, in force.

(3) Subsection 7 of the said section 76, as re-enacted by subsection 3 of section 9 of *The Assessment Amendment Act, 1949*, is amended by striking out the figures and letters "15th" in the sixth line and inserting in lieu thereof the figures and letters "31st", so that the subsection shall read as follows: Rev. Stat., c. 272, s. 76, subs. 7 (1949 c. 6, s. 9, subs. 3), amended.

- (7) At the court so held the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure, but so that, subject to any special Act affecting a particular municipality, all appeals are determined not later than the 31st day of December in the year in which the appeals are made. Appeals to be determined by December 31st.

(4) Subsection 7a of the said section 76, as enacted by subsection 3 of section 9 of *The Assessment Amendment Act, 1949*, is amended by striking out the figures and letters "15th" in the ninth line and inserting in lieu thereof the figures and letters "31st", so that the subsection shall read as follows: Rev. Stat., c. 272, s. 76, subs. 7a (1949, c. 6, s. 9, subs. 3), amended.

- (7a) Where the assessment is taken and the assessment roll is returned by wards or divisions of wards or by groups of polling subdivisions in any municipality, the county judge shall arrange from time to time throughout the year to sit and hear appeals from the court of revision upon the determination of appeals made to the court with respect to each roll, but so that all appeals are determined not later than the 31st day of December in the year in which the appeals are made. Judge to hear appeals continuously where roll returned by wards, etc.

(5) The said section 76 is further amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 76, amended.

- (7aa) Where in any county a county court of revision has been constituted the time for the judge to determine appeals from such court shall be not later than the 15th day of February in the year following that in which the appeals to such court were made. Time for hearing where county court of revision.

15.—(1) Section 89a of *The Assessment Act*, as enacted by section 5 of *The Assessment Amendment Act, 1940*, is amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 89a (1940, c. 1, s. 5), amended.

Clerk to
notify
county
assessor of
return of
roll.

- (2a) The clerk of every municipality in a county for which a county assessor has been appointed shall forthwith after the assessment roll has been returned to him by the assessor in any year give notice in writing by registered mail to the county assessor of the date on which such return was made.

Rev. Stat.,
c. 272, s. 89a,
subs. 3 (1940,
c. 1, s. 5),
amended.

- (2) Subsection 3 of the said section 89a, as amended by section 20 of *The Assessment Amendment Act, 1947*, is further amended by striking out the words "twenty days after" in the third line and inserting in lieu thereof the words "thirty days after receiving from the clerk notice of the date of", so that the subsection shall read as follows:

Complaint
to court of
revision.

- (3) Notice of an appeal by a county assessor to the court of revision of any municipality within the county may be given within thirty days after receiving from the clerk notice of the date of the return of the assessment roll of such municipality, and such appeal may be with respect to any particular assessment or omission to assess or generally with respect to all the assessments included in the roll or in any area of the municipality defined in the notice or generally with respect to assessments of land only or buildings only or business included in the roll or in any area of the municipality defined in the notice.

Rev. Stat.,
c. 272, s. 91,
para. 3,
amended.

- 16.—**(1) Paragraph 3 of section 91 of *The Assessment Act* is amended by striking out the words "Provincial Secretary" in the fourth line and inserting in lieu thereof the word "Minister", so that the paragraph shall read as follows:

Notice to
Minister.

3. Upon receiving notice of appeal in case any party to the appeal has objected to the final equalization of the assessment being made by the county judge, the clerk of the county council shall forthwith notify in writing the Minister of such objection, giving the name or names of the municipality or municipalities so objecting.

Rev. Stat.,
c. 272, s. 91,
para. 4 (1943,
c. 2, s. 4,
subs. 1),
re-enacted.

- (2) Paragraph 4 of the said section 91, as re-enacted by subsection 1 of section 4 of *The Assessment Amendment Act, 1943* and amended by subsection 1 of section 11 of *The Assessment Amendment Act, 1944*, is repealed and the following substituted therefor:

Appoint-
ment of
court by
Order in
Council.

4. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may appoint three persons who shall form a court which shall at such time and place as the Lieutenant-Governor in Council appoints, proceed to hear and determine the

SECTION 16. The amendments provide that the clerk of a county who has received notice that a municipality objects to the equalization appeal being heard by the judge, shall forward notice thereof to the Minister of Municipal Affairs rather than the Provincial Secretary. The section is also amended to provide that the judge or court shall not, in dealing with the equalization, reduce the aggregate valuation for the whole county as made by the assessors.

SECTION 17. This new subsection provides for cases where part of the county becomes separated from the county for municipal purposes after the county equalization by-law has been passed.

appeal either with or without the evidence of witnesses or with such evidence as they may decide upon hearing, and may examine witnesses under oath or otherwise, and may adjourn from time to time, and the court shall equalize the valuations of real property made by the assessors in each municipality in the county, but shall not reduce the aggregate valuation for the whole county as made by the assessors, and shall forthwith report the same to the county council.

(3) Paragraph 8 of the said section 91, as amended by subsection 2 of section 11 of *The Assessment Amendment Act, 1944*, is further amended by inserting after the word "county" in the twelfth line the words "but shall not reduce the aggregate valuation for the whole county as made by the assessors", so that the paragraph shall read as follows:

8. Where all the parties to the appeal have agreed, as above provided, to have the final equalization of the assessment made by the county judge, the clerk of the county council shall forthwith notify in writing the county judge, and the county judge shall appoint a day for hearing the appeal, not later than ten days from the receipt of such notice of the appeal, and may on such day proceed to hear and determine the appeal, either with or without evidence of witnesses, or with such evidence as he may decide upon hearing, and may examine witnesses under oath or otherwise, and may adjourn from time to time, and the judge shall equalize the valuations of real property made by the assessors in each municipality in the county, but shall not reduce the aggregate valuation for the whole county as made by the assessors, and shall forthwith report the same to the county council.

17. Section 94 of *The Assessment Act*, as amended by section 13 of *The Assessment Amendment Act, 1944*, is further amended by adding thereto the following subsection:

- (2) Where the council of a county has passed its by-law for equalizing assessments on which the rates for county purposes for the succeeding year are to be based and apportioned, and any municipality in the county, or any part thereof, thereafter ceases to form part of the county for municipal purposes, the council of the county shall amend the equalization by-law by deducting from the equalized assessments shown in the by-law that portion pertaining to the municipality, or part thereof, which has ceased to form part of the county, in order that the rates for county purposes for the said succeeding year may be based and apportioned on the remainder of the equalized assessments.

Rev. Stat.,
c. 272,
amended.

18. *The Assessment Act* is amended by adding thereto the following section:

Territorial District Assessor.

"Locality"
defined.

98a.—(1) For the purposes of this section, "locality" shall mean,—

Rev. Stat.,
c. 266.

(a) an improvement district erected under *The Municipal Act*; and

(b) a public school section (including a township school area and a union school section), or a separate school, or a high school district, in an unorganized township or townships or any part thereof or in unsurveyed territory,

and shall include the board of any of them.

Appoint-
ment.

1949, c. 104.

(2) The Minister may appoint a district assessor for any territorial district described in *The Territorial Division Act, 1949* whenever in any year such an appointment is requested by not less than two-thirds of the municipalities, other than improvement districts, in the territorial district.

Request by
by-law.

(3) The request for the appointment of a district assessor by any municipality shall be by a by-law of the municipality, a certified copy whereof shall be lodged with the Minister.

Idem.

(4) If in any year the number of requests made for the appointment of a district assessor is insufficient, the by-law of any municipality passed in that year requesting the appointment be made shall expire at the end of that year and cease to have further effect.

Term of
office.

(5) Every district assessor appointed under this section shall hold office during pleasure and when from any cause his office becomes vacant the Minister may appoint his successor.

Salary.

(6) The salary of each district assessor shall be such as may from time to time be fixed by the Minister.

Provision
of equip-
ment, etc.

(7) With the approval of the Minister, a district assessor for the performance of the duties of his office may from time to time,—

(a) provide suitably furnished office premises for himself and his staff, if any, at a convenient place in the territorial district for which he is appointed;

SECTION 18. This new section authorizes the Minister of Municipal Affairs, on the request of two-thirds of the cities, towns, villages and townships in a territorial district, to appoint a district assessor. His work in assisting in uniform methods of assessment throughout the district will result in a more equal distribution of cost of such matters as are divided among different municipalities such as homes for the aged and education matters.

- (b) provide mechanical and other office equipment, stationery and other office supplies as are necessary and sufficient for the purposes of his office;
 - (c) appoint, engage the services and fix the salaries or wages of such assistant assessors, clerks and other employees, temporary or permanent, as are necessary and sufficient for the purposes of his office;
 - (d) incur and pay such travelling and other costs, charges and expenses as are necessary for or ordinarily incidental to the purposes of his office.
- (8) The district assessor appointed for a territorial district shall supervise the yearly assessment to be made in every municipality and locality therein and advise the local assessors thereon in order that in the preparation of the yearly assessment rolls uniform practices will be followed and that in making the yearly assessments the valuations and amounts thereof are determined in accordance with this Act and thereby ensure that the yearly assessments in every municipality and locality bear a just relation one to another. Powers and duties.
- (9) The district assessor shall not later than the 31st day of January in each year make a written report to the Minister and to the clerk of every municipality and the secretary of the board of every locality upon the matters to which subsection 8 applies in relation to the preceding year and in such report he shall make particular reference to any municipality or locality in the territorial district in which any material or substantial non-compliance with the requirements of this Act occurred during the preceding year. Report to Minister.
- (10) The district assessor shall have the same rights with respect to appeals as to assessments as a county assessor has under section 89a and the provisions of that section in relation thereto shall, *mutatis mutandis*, apply and be followed. Rights of appeal.
- (11) The total annual cost incurred for the salaries and wages of a district assessor and his staff, if any, and for all other expenses and disbursements in connection with his office as authorized by this section shall be chargeable to and be provided and paid by Payment of costs.

the municipalities and localities in the territorial district, and the amount of their respective shares shall be in the proportion that the rateable assessment of each of them bears to the total of the rateable assessments of all of them, according to their last revised assessment rolls.

Budget.

- (12) The district assessor shall in December of each year prepare the budget of the estimated cost of his office for the ensuing year and of the proportion thereof chargeable to each municipality and locality and shall deliver a copy of such budget to each municipality and locality not later than the 15th day of that month.

Appeal.

- (13) Any municipality or locality not satisfied with such budget or its proportion thereof may, within 10 days of receipt of same, appeal to the Minister whose decision on such appeal shall be final and binding and any correction in the budget or in the proportions chargeable to the municipalities and localities shall be made as the Minister may direct in writing.

Payments
to assessor.

- (14) Every municipality and locality shall in each year remit to the district assessor by equal quarterly payments in advance its proportion of the cost for that year as shown in the budget, or as shown in the budget as corrected according to the decision of the Minister upon an appeal, and such quarterly payments shall be made on the 15th day of January, April, July and October in each year, and if any such quarterly payment is not made on due date the same shall bear interest at the rate of six per centum per annum until paid.

Audit.

- (15) The district assessor shall keep proper books of account with respect to his office and the same shall be audited annually by the auditor of the municipality having the largest rateable assessment in the territorial district and the cost of the audit shall be deemed to be an expense of the office of the district assessor and be included in his annual budget.

Copy of
audit to
be delivered.

- (16) A copy of the auditor's report for each year shall be mailed by the auditor to each municipality and locality in the territorial district, and if a deficit occurred with respect to that year the amount thereof shall be included in the next budget, and if a surplus resulted for that year the same shall be shown in the next budget and shall serve to reduce the amount required to be provided by the municipalities and localities.

SECTION 19. Self-explanatory.

SECTION 20. Section 124 provides for the taking of business assessment in the year in which the taxes are to be levied thereon. The amendment authorizes the municipality, where in respect of its land assessment it provides for different times, etc., for the return of the roll for different wards, etc., to make similar provisions respecting business assessment made under this section.

19. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat.,
c. 272,
amended.

- 104a.—(1) The council of any municipality may by by-law provide that where the sum of the taxes for which any person is chargeable in any year for municipal, school, local improvement and other purposes, upon any real property assessed in one parcel to the same owner would according to the assessment thereon be less than \$3, the sum of such taxes shall be deemed to be \$3 and shall be so entered on the collector's roll, and the difference between the sum that would have been entered but for this section and the sum of \$3 shall form part of the general funds of the municipality. Minimum
tax.
- (2) Where immediately prior to the passing of a by-law by any municipality under subsection 1, lots therein owned by the same person were assessed together under clause *f* of subsection 1 of section 23, such lots shall continue to be so assessed as long as they all remain the property of that person, provided that nothing in this subsection shall be deemed to apply to the amount at which such lots may be assessed. Existing
combined
assessments
to be
continued.
- (3) Where at any time after the passing of a by-law by any municipality under subsection 1, lots therein which adjoin one another are shown on the same registered plan and are owned by the same person, he may by notice in writing to the assessor require that such lots shall thereafter be assessed as one parcel and at one total amount of assessment during such time as he continues to be the owner. Requirement
for combined
assessment.

20. Section 124 of *The Assessment Act*, as amended by section 27 of *The Assessment Amendment Act, 1946* and section 25 of *The Assessment Amendment Act, 1947*, is further amended by adding thereto the following subsection: Rev. Stat.,
c. 272, s. 124,
amended.

- (2a) In any municipality in which a by-law passed under subsection 3 of section 59 is in force, the council may also provide in the by-law passed under this section that the business assessment may be taken by wards, divisions of wards or groups of polling subdivisions, as the case may be, and in the by-law shall provide for the time when the roll shall be returned and the court of revision held for each ward, division or group. Business
assessment
by wards,
etc.

Rev. Stat., c. 272, s. 125, subs. 1 (1944, c. 7, s. 15, subs. 1), amended. **21.** Subsection 1 of section 125 of *The Assessment Act*, as re-enacted by subsection 1 of section 15 of *The Assessment Amendment Act, 1944*, is amended by adding at the end of clause *e* the word "or", and by adding thereto the following clause:

- (f) in respect of land which has become exempt from taxation during the year, for a proportionate part of the taxes based on the number of months in that year during which the exemption applied.

Rev. Stat., c. 272, s. 141, amended. **22.** Section 141 of *The Assessment Act* is amended by striking out the word "cities" in the first line and inserting in lieu thereof the word "municipalities", so that the section shall read as follows:

Apportionment of taxes in municipalities having an assessment commissioner.

141. In municipalities having an assessment commissioner, where taxes or rates are or have become due upon land assessed in one block, the assessment commissioner, upon application by or on behalf of any person claiming to be an owner of one or more parcels of such land, may, after notice of application to all the owners, make the apportionment in subsection 1 of section 140 mentioned, and thereafter the treasurer shall accept taxes or rates apportioned to any subdivision in satisfaction of the taxes or rates thereon, and each subdivision shall only be liable to sale for non-payment of the taxes or rates so apportioned to or charged against it.

Rev. Stat., c. 272, s. 175, amended. **23.** Section 175 of *The Assessment Act* is amended by striking out the words "such surveyor's fee not to exceed \$1", in the tenth and eleventh lines, so that the section shall read as follows:

Expenses of search in registry office for description, etc.

175. The treasurer shall, in all certificates and deeds given for lands sold at such sale, give a description of the part sold with sufficient certainty, and if less than a whole lot is sold, then he shall give such a general description as may enable a surveyor to lay off the piece sold on the ground, and he may make search, if necessary, in the registry office, to ascertain the description and boundaries of the whole parcel, and he may also obtain a surveyor's description of such lots, to be taken from the registry office or the government maps, where a full description cannot otherwise be obtained, and the charges so incurred shall be included in the account and paid by the purchaser of the land sold, or the person redeeming the same.

Rev. Stat., c. 272, amended. **24.** *The Assessment Act* is amended by adding thereto the following section:

SECTION 21. This amendment authorizes an application to the court of revision for the abatement or refund of taxes where the land during the year has become exempt from taxation.

SECTION 22. The provision that the assessment commissioner of a city can apportion the taxes on land assessed in one block which has been broken up into parcels owned by more than one person, is extended to cover all municipalities having an assessment commissioner.

SECTION 23. It is no longer possible to obtain a surveyor's description of land sold at tax sale for \$1 and the limitation is therefore removed.

SECTION 24. This new section provides a penalty against the improper disclosure of information obtained by assessors, etc., in the course of their duties.

SECTION 25—Subsection 1. The re-enactment of this Form is complementary to the re-enactment of section 17 of the Act by section 3 of this Bill.

Subsection 2. Form 4 is the form of assessment notice and is re-enacted for simplification.

211a.—(1) Any assessment commissioner or assessor or ^{Disclosure of} other person in the employ of a municipality who in ^{information.} the course of his duties acquires or has access to information, furnished by any person pursuant to sections 16 or 17, which relates in any way to determination of the value of any real property or the amount of assessment thereof or to the determination of the amount of any business assessment, and who wilfully discloses or permits to be disclosed any such information not required to be entered on the assessment roll to any other persons, not likewise entitled in the course of his duties to acquire or have access to the information, shall be liable to a penalty of not more than \$200, or to imprisonment for a term of not more than six months, or to both.

(2) This section shall not prevent disclosure of such information by any person when being examined as a witness in an assessment appeal or in an action or other proceeding in a court or in an arbitration.

25.—(1) Form 1 of *The Assessment Act*, as amended by ^{Rev. Stat., c. 272, Form 1, re-enacted.} section 7 of *The Assessment Amendment Act*, 1940, is repealed and Form 1 as set out in the Schedule to this Act is substituted therefor.

(2) Form 4 of *The Assessment Act*, as re-enacted by ^{Rev. Stat., c. 272, Form 4, (1938, c. 37, s. 2, subs. 4), re-enacted.} section 4 of section 2 of *The Statute Law Amendment Act*, 1938 and amended by subsection 1 of section 22 of *The Assessment Amendment Act*, 1948, is repealed and Form 4 as set out in the Schedule to this Act is substituted therefor.

26.—(1) This Act, except sections 1, 2, 3, 6, 7, 8, 9, 10, 19, 20 and 25, shall come into force on the day it receives the Royal Assent.

(2) Sections 1, 2, 6, 7, 8, 9, 10 and 20 shall be deemed to have come into force on the 1st day of January, 1950.

(3) Sections 3, 19 and 25 shall come into force on the 1st day of January, 1951.

27. This Act may be cited as *The Assessment Amendment Act*, 1950.

SCHEDULE

FORM 1

(Section 17)

THE
OF
(Name of Municipality)

NOTICE TO OWNER
TENANT FOR RETURN OF ASSESSMENT INFORMATION

Real Property to which this Notice relates

Roll No. (19...) Ward. Poll. Sub. No. School Section
or Area No.

Name of Owner last assessed

Name of Tenant last assessed

Lot or part of Lot No. Concession No. Reputed Acreage. Ac.

Street and Street No. on Side of Street
(Number) (Name of Street)

Subdivision Lot or part of Lot No. Block. Registered Plan No.
(Assessor to fill in whichever description most readily identifies the property)

To. P.O. Address.

We understand you are the present owner or part owner
tenant of the above described

property which during the current year we have already visited on two or more occasions
in the course of our duties, namely, on

.....
(The Assessor must enter date of each visit on above line)

to enable us to make an accurate assessment of both persons and property for entry
on the assessment roll now being made. On none of these occasions were we able to
obtain information we must enter on the roll or on the Census Register and we are
compelled, therefore, to seek the missing information from you so that the proper
assessment and record of persons and property may be made. Herewith we send you
the undermentioned forms of Questionnaire, which pursuant to *The Assessment Act*
you are required to complete and have filed with the undersigned within 10 days after
the date of delivery or mailing of this notice. We trust you will give prompt attention
to this matter and thereby avoid subjecting yourself to the penalty for non-compliance
which the statute imposes.

Forms of Questionnaire herewith:

(The assessor to enter above the particular form or forms being sent by showing the reference
letter which identifies it, namely, A, B, C, D, E, or F, as the case may be.)

Dated this. day of. 19...
(Assessor or Assessment Commissioner)

P. O. Address.

NOTICE, FORM 1—QUESTIONNAIRE A

Roll No. (Roll of 19....) Ward..... Poll. Sub. No.

Name of Assessed Owner..... Assessed Tenant.....
(Above to be filled in before delivery or mailing of the Notice)PARTICULARS OF REAL PROPERTY TO BE FURNISHED BY OWNER
TENANT

1. Interior of Building:

- (a) Number of rooms.....
- (b) Type of heating system.....
- (c) Plumbing installation—Kinds and number of fixtures.....
-

2. Land Acreage (farm property only):

- (a) Cleared.....ac. (b) Woodland.....ac. (c) Slashland.....ac.
- (d) Swamp, Marsh or Waste.....ac. (e) Total.....ac.

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19.... (Signature of Owner or Tenant)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE B

Roll No..... (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....
(Above to be filled in before delivery or mailing of the Notice)

PARTICULARS OF OWNERSHIP TO BE FURNISHED BY OWNER

1. Name in full of each Owner	Female Owner M., W., or S.	Year of Birth	Address	Occupation	British Subject (B. S.) or Alien (A.)	Religion	Public or Separate School Support (P.S.) (S.S.)	Where Spouse (if any) is not an Owner	
								Given or Christian Name	Year of Birth

2. PARTICULARS OF OCCUPANCY BY OTHER THAN OWNER—

TO BE FURNISHED BY OWNER

(a) If the property is occupied by any person other than an owner:

(i) state name of such occupant.....

(ii) state nature of his occupancy.....

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19.....
(Signature of Owner)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE C

Roll No. (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....
(Above to be filled in before delivery or mailing of the Notice)

PARTICULARS OF GROSS RENTALS TO BE FURNISHED BY OWNER

1.	Preceding Year 19.... Actual	Current Year 19.... Estimated
Gross Rentals		
	\$	\$
(a) Total amount received and to be received for the whole year		
(b) Total not received or receivable for the year by reason of:		
(i) vacancies.....		
(ii) occupancy by persons not obliged to pay rent or full rental.....		
(iii) other causes as below stated.....		
Total.....		

2. Do rent control regulations apply with respect to the whole or any part of the
property? If so, state particulars:
.....

3.	Preceding Year 19.... Actual	Current Year 19.... Estimated
Deductions from Gross Rentals for services supplied by owner		
(State nature and amount of each item separately)	\$	\$
(a)		
(b)		
(c)		
Total.....		

I hereby certify that I have knowledge of the particulars contained in the foregoing
Questionnaire and that the same are in every respect fully and truly stated to the best
of my knowledge and belief.Dated..... 19....
(Signature of Owner)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE D

Roll No..... (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....
(Above to be filled in before delivery or mailing of the Notice)

PARTICULARS OF TENANCY TO BE FURNISHED BY TENANT

[illegible]

2. Give name and P.O. Address hereunder of the owner, or if the owner's name is not known, give the name and P.O. Address of his agent or other person to whom the tenant pays rent.

.....

.....

.....

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19.....
(Signature of Tenant)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE E

Roll No..... (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....
(Above to be filled in before delivery or mailing of the Notice)

PARTICULARS OF GROSS RENTALS PAYABLE TO BE FURNISHED BY TENANT

1.	Preceding Year 19.... Actual	Current Year 19.... Estimated
Gross Rentals		
(a) Total rent paid and yet to be paid for the whole year.....	\$	\$
(b) Total amount paid and yet to be paid (in addition to rent) with respect to the property for:		
(i) services furnished by the owner.....		
(ii) garage or car storage or parking space.....		
(iii) other purposes as itemized below—		
.....		
.....		
.....		
Total.....		

2. Do rent control regulations apply with respect to the whole or any part of the property? If so, state particulars.....
.....
.....

3. Deduction from gross rentals payable which the owner is obliged to allow to the tenant. State nature and amount of each item separately.	Preceding Year 19.... Actual	Current Year 19.... Estimated
(i)		
(ii)		
Total.....		

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19.... (Signature of Tenant)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE F

Roll No..... (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....
(Above to be filled in before delivery or mailing of the Notice)PARTICULARS OF CENSUS FOR CURRENT YEAR TO BE FURNISHED BY $\frac{\text{OWNER}}{\text{TENANT}}$

1. Name in full of each person residing on the property, including occupant's family, relatives, boarders, roomers, employees, etc.	Occupation	Year of Birth	British Subject (B. S.) or Alien (A.)

2. Number of dogs kept on the property:

(a) Male or spayed female..... (b) Female not spayed.....

Total.....

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19....
(Signature of Owner or Tenant)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE G

Roll No. (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner Assessed Tenant.....
(Above to be filled in before delivery or mailing of the Notice)

PARTICULARS OF BUSINESS ASSESSMENT TO BE FURNISHED BY OCCUPANT

1. State name of occupant or occupants carrying on business on the premises.....

.....
.....
.....

2. State kind or nature of businesses carried on by occupant or occupants.....

.....
.....
.....

3. What amount of floor area does each kind or nature of business occupy?.....

.....
.....
.....

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19.... (Signature of Occupant).....

P.O. Address.....

FORM 4

(Section 52)

THIS NOTICE WAS
DELIVERED OR
MAILED ON THETHE.....OF.....
(Name of Municipality)

.....DAY

NOTICE OF ASSESSMENT MADE IN 19.....

OF.....

FOR TAXATION IN 19.....

19.....

Roll No..... Ward..... Poll. Sub. No.....

School Section or Area No.....

Take notice that you are assessed for taxation as herein specified. If you deem yourself improperly assessed in any respect you or your agent may within.....days after the.....day of.....19.....
(Insert date on which Roll is to be returned)

notify the Clerk or Assessment Commissioner in writing of your complaint and it will be tried by the Court of Revision.

..... P. O. Address.....
Assessor (or Assessment Commissioner)

DESCRIPTION OF PROPERTY ASSESSED

Lot Number or Street Number	Number of Concession or Name of Street	Side of Road or Street or other Location	Acreage or Street Frontage	REGISTERED PLAN		
				Lot or part of Lot	Block	Plan No.

PARTICULARS OF AMOUNT OF ASSESSMENT

REAL PROPERTY ASSESSMENT			REAL PROPERTY ASSESSMENT WHICH IS			BUSINESS ASSESSMENT	
Land	Buildings	Total	A Liable for School Rates only	B Liable for Local improve- ments only	C Exempt from Taxation	Percentage of Assessed Value	Amount
\$	\$	\$	\$	\$	\$		\$

PARTICULARS OF PERSONS ASSESSED

Name of Owners and Tenants	Owner (O.) Tenant (T.) Legislative Franchise (L.F.)	British Subject (B.S.) or Alien (A.)	Public School (P.S.) Separate School (S.S.) Support	Occupation	YOU ARE ASSESSED AS A PUBLIC SCHOOL SEPARATE SCHOOL SUPPORTER IN RESPECT OF THE ABOVE DESCRIBED PROPERTY

Where property is occupied by a tenant, taxation for school purposes is determined accordingly as the tenant is assessed for school support.

.....
Detach at perforation, if you are appealing your assessment. Retain the top portion and use lower portion for notice of appeal.

NOTICE OF APPEAL FROM ASSESSMENT

Roll No..... (19...)

THE..... OF.....
(Name of Municipality)

To the Clerk or Assessment Commissioner:

Take notice that I hereby appeal from the assessment made under the above mentioned Roll Number for the following reasons:—

.....
.....
.....

Dated..... 19.... Signature of Appellant or his Agent

P.O. Address.....

BILL

An Act to amend The Assessment Act.

1st Reading

March 9th, 1950

2nd Reading

March 20th, 1950

3rd Reading

MR. DUNBAR

*(Reprinted as amended by the Committee on
Municipal Law.)*

No. 102

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Assessment Act.

MR. DUNBAR

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 6 of section 4 of *The Assessment Act* Rev. Stat., c. 272, s. 4, para. 6, re-enacted. is repealed and the following substituted therefor:

6. Every public hospital receiving aid under *The Public Hospitals Act* with the land attached thereto, but not land of a public hospital when occupied by any person as tenant or lessee. Public hospitals. Rev. Stat., c. 390.

(a) Land owned and used by such a public hospital for farming purposes shall be deemed attached to the hospital within the meaning of this paragraph, notwithstanding that it is separated therefrom by a highway.

(2) Paragraph 9 of the said section 4, as re-enacted by subsection 2 of section 1 of *The Assessment Amendment Act, 1946*, Rev. Stat., c. 272, s. 4, para. 9 (1946, c. 3, s. 1, subs. 2), re-enacted. is repealed and the following substituted therefor:

9. Property owned, occupied and used solely and only by The Boy Scouts Association or The Canadian Girl Guides Association or by any provincial or local association or other local group in Ontario which is a member of either Association or is otherwise chartered or officially recognized by it. Boy Scouts and Girl Guides.

2.—(1) Section 12 of *The Assessment Act*, as amended by section 8 of *The Assessment Amendment Act, 1947*, is further amended by adding thereto the following subsections:

(5a) In a township the land of a telephone company on which any building is erected or placed, and the building itself, shall be liable to assessment. Telephone company assessable for land built on in townships.

(7a) In a township the land of a telegraph company on which any building is erected or placed, and the building itself, shall be liable to assessment. Telegraph company assessable for land built on in township.

Rev. Stat.,
c. 272, s. 12,
subs. 11,
re-enacted.

(2) Subsection 11 of the said section 12 is repealed and the following substituted therefor:

Assessment
exemptions
of companies.

- (11) Every company assessed as provided in this section shall be exempt from assessment in any municipality in respect of all machinery, plant and appliances wherever situate, and shall be exempt from assessment in cities, towns, villages and police villages in respect of all structures placed on, over, under or affixed to any highway, lane or other public communication, public place or water.

Rev. Stat.,
c. 272,
ss. 16, 17,
re-enacted.

3. Sections 16 and 17 of *The Assessment Act*, as amended by sections 10 and 11 respectively of *The Assessment Amendment Act, 1947*, are repealed and the following substituted therefor:

Right of
access.

- 16.—(1) The assessment commissioner, if any, and every assessor of a municipality shall at all reasonable times and upon reasonable request be given free access to all land and to all parts of every building, structure, machinery and fixture erected or placed upon, in, over, under or affixed to the land, for the purpose of making a proper assessment thereof or of making a proper business assessment in respect thereof.

Information.

- (2) Every adult person present on land when an assessment commissioner or an assessor of the municipality visits the land in the performance of his duties, shall upon request give to such commissioner or assessor all the information in his knowledge which will assist such commissioner or assessor to make a proper assessment of the land and every building, structure, machinery and fixture erected or placed upon, in, over, under or affixed to the land, to make a proper business assessment in respect thereof, and to obtain the information he requires with respect to any person whose name he is required to enter on the assessment roll or in the census register.

Where
assessor
unable to
obtain
information
by visit.

- 17.—(1) Where an assessment commissioner or an assessor has twice visited land for the purpose of making a proper assessment thereof or a proper business assessment in respect thereof or census and has been unable to obtain all information necessary for such purpose, he may deliver or cause to be delivered or mailed to the address of any person, whether resident in the municipality or not, who is or may be assessed in respect of the land, a notice and any of the questionnaires in Form 1.

- (2) Every person to whom such notice and any of such questionnaires are delivered or mailed shall, within ten days after the delivery or mailing, enter thereon in the proper places all the information required thereby that is within his knowledge and sign and deliver or mail the questionnaires to the assessment commissioner or assessor whose name and address appear on the notice. Return of questionnaire.
- (3) Except as provided in this or any other section of this Act, no person may be required by an assessment commissioner, assessor or other person to furnish information with respect to the assessment of land, business or persons or with respect to the census. Proviso.
4. Section 22 of *The Assessment Act*, as amended by section 14 of *The Assessment Amendment Act, 1947*, is further amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 22, amended.
- (3) Every person who wilfully obstructs or interferes with an assessment commissioner or assessor in the performance of any of his duties or the exercise of his rights, powers and privileges under this Act shall incur a penalty of not more than \$200. Obstruction of assessor, etc.
- 5.—(1) Clause *d* of subsection 1 of section 23 of *The Assessment Act* is amended by striking out the words "Where part of a lot in a city, town or village" at the commencement thereof and inserting in lieu thereof the words "Where part of a subdivision lot in a municipality", so that the clause shall read as follows: Rev. Stat., c. 272, s. 23, subs. 1, cl. d, amended.
- (*d*) Where part of a subdivision lot in a municipality is to be assessed it shall be a sufficient description of it if the name of the owner and the tenant, if any, and the number of feet of its frontage are entered on the assessment roll, and the part assessed shall be deemed to be that part of the lot belonging to the owner whose name is so entered. Description of part of lot.
- (2) Clause *e* of subsection 1 of the said section 23, as amended by section 2 of *The Assessment Amendment Act, 1939*, is further amended by striking out the words "in cities" in the amendment of 1939, so that the clause shall read as follows: Rev. Stat., c. 272, s. 23, subs. 1, cl. e, amended.
- (*e*) Each subdivision shall be assessed separately, and every parcel of land (whether a whole subdivision or a portion thereof, or the whole of a portion of any building thereon) in the separate occupation of any person, shall be separately assessed; provided that no portion of any building used or intended to be used as a residence shall be separately assessed unless it is a domestic establishment of two or more rooms in which the occupants usually sleep and prepare and serve meals. Each lot to be assessed.

Rev. Stat.,
c. 272, s. 23,
subs. 1,
amended.

(3) Subsection 1 of the said section 23 is further amended by adding thereto the following clauses:

Entry on
roll by
streets.

- (l) Where in any municipality or portion of a municipality, streets and other highways are commonly known locally by names or numbers they shall be entered and listed in the assessment roll by their names or numbers according to such orderly plan or method that every separately assessed parcel fronting on either side of such street or highway is entered on the roll in proper sequence of street numbers for that side of the street or highway on which it fronts or, if there be no street numbers, in such other suitable sequence for that side of the street or highway on which it fronts as will ensure ready and certain identity for each separately assessed parcel.

Where no
street
names.

- (m) Where in any municipality or portion of a municipality, streets and highways are not commonly known locally by names or numbers, every assessed parcel shall be entered in the assessment roll according to such orderly plan or method and in such suitable sequences as will ensure ready and certain identity for each separately assessed parcel.

Separation
of wards,
etc.

- (n) In the preparation of the assessment roll for any municipality, it shall be so arranged that the assessments for each ward and for each polling subdivision into which the municipality is divided shall be kept separate from the assessments for every other ward and polling subdivision.

Separation
of school
sections
or areas.

- (o) In the preparation of the assessment roll for any township divided into public school areas or public school sections, it shall be so arranged that the assessments for each public school area or public school section shall be kept separate from the assessments for every other public school area or public school section; provided that this clause shall not apply in any township divided into wards or polling subdivisions if the boundaries thereof or of a grouping thereof do not coincide with the boundaries of the public school areas or public school sections.

Rev. Stat.,
c. 272, s. 38,
subs. 1 (1946,
c. 3, s. 6),
amended.

6.—(1) Subsection 1 of section 38 of *The Assessment Act*, as re-enacted by section 6 of *The Assessment Amendment Act, 1946* and amended by subsection 1 of section 16 of *The Assessment Amendment Act, 1947*, is further amended by adding thereto the following clause:

(a) For the purposes of this subsection,

- (i) "tenant", in addition to its meaning under clause *o* of section 1, shall also include any person who uses land belonging to the Crown as or for the purposes of, or in connection with his residence, irrespective of the relationship between him and the Crown with respect to such use,
- (ii) "residence" shall mean a building or part of a building used as a domestic establishment and consisting of two or more rooms in which persons usually sleep and prepare and serve meals,
- (iii) "rent or any valuable consideration" shall be deemed to have been paid, in the case of an employee using land belonging to the Crown as a residence, where there is a reduction in or deduction from the salary, wages, allowances or emoluments of the employee because of such use or where such use is taken into consideration in determining the employee's salary, wages, allowances or emoluments.

(2) Subsection 3 of the said section 38 is amended by striking out the words "the land" in the third line and inserting in lieu thereof the word "him", so that the subsection shall read as follows: Rev. Stat., c. 272, s. 38, subs. 3 (1946, c. 3, s. 6), amended.

- (3) In addition to the liability of every person assessed under subsection 1 or 2 to pay the taxes assessed against him, the interest in such land, if any, of every person other than the Crown and the tribe or body of Indians for which it is held in trust or any member thereof, shall be subject to the lien given by section 99 and shall be liable to be sold or vested in the municipality for arrears of taxes. Tenant's interests may be sold.

7. Subsection 2 of section 39 of *The Assessment Act*, as re-enacted by subsection 1 of section 7 of *The Assessment Amendment Act, 1946*, is amended by striking out the word "revenue" in the third line and inserting in lieu thereof the words "normal rental value", so that the subsection shall read as follows: Rev. Stat., c. 272, s. 39, subs. 2 (1946, c. 3, s. 7, subs. 1), amended.

- (2) In ascertaining the actual value of land without buildings thereon consideration shall be given to the present use, location, normal rental value, normal sale value and any other circumstance affecting the value. Land without buildings.

Rev. Stat.,
c. 272, s. 41,
repealed.

8. Section 41 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 272, s. 47a,
subs. 1 (1948,
c. 5, s. 5),
amended.

9. Subsection 1 of section 47a of *The Assessment Act*, as enacted by section 5 of *The Assessment Amendment Act, 1948*, is amended by inserting after the word "corporation" in the ninth line the words "or by any other municipal corporation", so that the subsection, exclusive of the clauses, shall read as follows:

Payment by
public
utility for
services.

Rev. Stat.,
c. 59.

- (1) Where the council of a municipal corporation, or a commission or trustees or other body acting for and on behalf of the corporation, operates a public utility (as defined in *The Department of Municipal Affairs Act*) which is exempt or partially exempt from municipal taxation, the council, commission, trustees or other body may agree to pay for any of the following municipal services rendered by the corporation or by any other municipal corporation:

.

Rev. Stat.,
c. 272, s. 52,
subs. 1 (1946,
c. 3, s. 8),
amended.

10. Subsection 1 of section 52 of *The Assessment Act*, as re-enacted by section 8 of *The Assessment Amendment Act, 1946*, is amended by inserting after the figures "27" in the sixth line the word and figures "or 28", so that the subsection shall read as follows:

Notice of
assessment.

- (1) The assessor or his assistant shall prior to the completion of the assessment roll for the municipality or ward, as the case may be, deliver in the manner hereinafter provided to every person named therein, except persons entered on the roll under section 27 or 28, a notice (Form 4) of the sum or sums for which such person has been assessed and such other particulars as are mentioned in the Form, and shall enter in the roll opposite the name of the person the date of delivery of such notice and the entry shall be *prima facie* evidence of such delivery.

Rev. Stat.,
c. 272, s. 59,
subs. 3, cl. c
(1949, c. 6,
s. 5),
amended.

11.—(1) Clause c of subsection 3 of section 59 of *The Assessment Act*, as re-enacted by section 5 of *The Assessment Amendment Act, 1949*, is amended by striking out the figures and letters "15th" in the fifth line and inserting in lieu thereof the figures and letters "30th", so that the clause shall read as follows:

- (c) the time fixed for hearing any assessment appeal by the court of revision be earlier than ten days from the day upon which the appeal may last be made or be later than the 30th day of November.

(2) Subsection 8 of the said section 59 is amended by striking out the figures and letters "15th" in the fourth line and inserting in lieu thereof the figures and letters "30th", so that the subsection shall read as follows:

Rev. Stat.,
c. 272, s. 59,
subs. 8 (1949,
c. 6, s. 5),
amended.

(8) Except as provided in subsection 6, in every municipality the court of revision shall hear and dispose of all appeals and certify the assessment roll in every year on or before the 30th day of November.

Time for
closing
court of
revision.

(3) The said section 59 is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 272, s. 59,
(1949, c. 6,
s. 5),
amended.

(8a) Notwithstanding subsection 3 or 8 and except as provided in subsection 6, in any county where a county court of revision has been established the time for hearing and disposing of all appeals and certifying the assessment roll of any municipality forming part of the county for municipal purposes shall be the 15th day of January in the year following that in which the assessment roll was returned.

Where
county
court of
revision
established.

12.—(1) Section 63 of *The Assessment Act*, as re-enacted by section 15 of *The Assessment Amendment Act, 1946*, is amended by striking out all the words after the word "one-third" in the eleventh line, so that the section shall read as follows:

Rev. Stat.,
c. 272, s. 63
(1946, c. 3,
s. 15),
amended.

63. Any municipality instead of ascertaining the values of all lands in the municipality every year may by by-law provide for a two-year or three-year rotary system of ascertaining such values under which the assessor shall ascertain in one year the values of lands in one-half of the municipality and in the following year the values in the other one-half, or in one year the values in one-third of the municipality and in the following year the values in a second one-third and in the following year the values in the third one-third.

Rotary
system.

(2) The said section 63 is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 272, s. 63
(1946, c. 3,
s. 15),
amended.

(2) When a municipality first adopts the rotary system of ascertaining values of lands therein as provided in subsection 1, the system shall for the purpose of assessment become effective in the second year in the case of a two-year system and in the third year in the case of a three-year system and in the meanwhile the assessments of all such lands shall be entered on the yearly assessment roll or rolls at the

Where rotary
system first
adopted.

values last ascertained before the system was adopted, except that the assessment of any such land may include in any year the value of any building not previously assessed which has been erected or placed on such land or the amount by which the value of any building which has been assessed is increased by any enlargement or alteration thereof.

Rev. Stat.,
c. 272, s. 73,
subs. 9,
amended.

13.—(1) Subsection 9 of section 73 of *The Assessment Act* is amended by inserting after the word “nearest” in the third line the words “or a neighbouring”, so that the subsection shall read as follows:

Clerk to
advertise
sittings
of court.

(9) The clerk shall also advertise in some newspaper published in the municipality, or, if there be no such paper, then in some newspaper published in the nearest or a neighbouring municipality in which one is published, the time at which the court will hold its first sitting for the year, and the advertisement shall be published at least ten days before the time of such first sittings.

Rev. Stat.,
c. 272, s. 73,
subs. 24,
(1946, c. 3,
s. 18,
subs. 5),
re-enacted.

(2) Subsection 24 of the said section 73, as enacted by subsection 5 of section 18 of *The Assessment Amendment Act, 1946*, is repealed and the following substituted therefor:

Notice of
decision.

(24) When the court of revision has heard and decided an appeal, the clerk shall thereupon cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing of such appeal was given.

Rev. Stat.,
c. 272, s. 76,
subs. 2,
re-enacted.

14.—(1) Subsection 2 of section 76 of *The Assessment Act*, as amended by section 19 of *The Assessment Amendment Act, 1946* and subsection 1 of section 9 of *The Assessment Amendment Act, 1949*, is repealed and the following substituted therefor:

Service of
notice of
appeal.

(2) Subject to any special Act affecting any particular municipality, the person appealing shall, in person or by his solicitor or agent, serve upon the clerk of the municipality (or the assessment commissioner, if any) within ten days after notice of the decision of the court of revision has been given by the clerk under subsection 24 of section 73, a written notice of his intention to appeal to the county judge.

Rev. Stat.,
c. 272, s. 76,
subs. 2a,
(1949,
c. 6, s. 9,
subs. 2),
amended.

(2) Subsection 2a of the said section 76, as enacted by subsection 2 of section 9 of *The Assessment Amendment Act, 1949*, is amended by striking out all the words after the word “judge” in the fifth line, so that the subsection shall read as follows:

- (2a) In any municipality in which a by-law has been passed under subsection 3 of section 59, the provisions of this section so far as they are not inconsistent with the provisions of such by-law, shall apply to appeals to the county judge. Where by-law under s. 59, subs. 3, in force.

(3) Subsection 7 of the said section 76, as re-enacted by subsection 3 of section 9 of *The Assessment Amendment Act, 1949*, is amended by striking out the figures and letters "15th" in the sixth line and inserting in lieu thereof the figures and letters "31st", so that the subsection shall read as follows: Rev. Stat., c. 272, s. 76, subs. 7 (1949) c. 6, s. 9, subs. 3), amended.

- (7) At the court so held the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure, but so that, subject to any special Act affecting a particular municipality, all appeals are determined not later than the 31st day of December in the year in which the appeals are made. Appeals to be determined by December 31st.

(4) Subsection 7a of the said section 76, as enacted by subsection 3 of section 9 of *The Assessment Amendment Act, 1949*, is amended by striking out the figures and letters "15th" in the ninth line and inserting in lieu thereof the figures and letters "31st", so that the subsection shall read as follows: Rev. Stat., c. 272, s. 76, subs. 7a (1949, c. 6, s. 9, subs. 3), amended.

- (7a) Where the assessment is taken and the assessment roll is returned by wards or divisions of wards or by groups of polling subdivisions in any municipality, the county judge shall arrange from time to time throughout the year to sit and hear appeals from the court of revision upon the determination of appeals made to the court with respect to each roll, but so that all appeals are determined not later than the 31st day of December in the year in which the appeals are made. Judge to hear appeals continuously where roll returned by wards, etc.

(5) The said section 76 is further amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 76, amended.

- (7aa) Where in any county a county court of revision has been constituted the time for the judge to determine appeals from such court shall be not later than the 15th day of February in the year following that in which the appeals to such court were made. Time for hearing where county court of revision.

15.—(1) Section 89a of *The Assessment Act*, as enacted by section 5 of *The Assessment Amendment Act, 1940*, is amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 89a. (1940, c. 1, s. 5), amended.

Clerk to
notify
county
assessor of
return of
roll.

- (2a) The clerk of every municipality in a county for which a county assessor has been appointed shall forthwith after the assessment roll has been returned to him by the assessor in any year give notice in writing by registered mail to the county assessor of the date on which such return was made.

Rev. Stat.,
c. 272, s. 89a,
subs. 3 (1940,
c. 1, s. 5),
amended.

- (2) Subsection 3 of the said section 89a, as amended by section 20 of *The Assessment Amendment Act, 1947*, is further amended by striking out the words "twenty days after" in the third line and inserting in lieu thereof the words "thirty days after receiving from the clerk notice of the date of", so that the subsection shall read as follows:

Complaint
to court of
revision.

- (3) Notice of an appeal by a county assessor to the court of revision of any municipality within the county may be given within thirty days after receiving from the clerk notice of the date of the return of the assessment roll of such municipality, and such appeal may be with respect to any particular assessment or omission to assess or generally with respect to all the assessments included in the roll or in any area of the municipality defined in the notice or generally with respect to assessments of land only or buildings only or business included in the roll or in any area of the municipality defined in the notice.

Rev. Stat.,
c. 272, s. 91,
para. 3,
amended.

- 16.**—(1) Paragraph 3 of section 91 of *The Assessment Act* is amended by striking out the words "Provincial Secretary" in the fourth line and inserting in lieu thereof the word "Minister", so that the paragraph shall read as follows:

Notice to
Minister.

3. Upon receiving notice of appeal in case any party to the appeal has objected to the final equalization of the assessment being made by the county judge, the clerk of the county council shall forthwith notify in writing the Minister of such objection, giving the name or names of the municipality or municipalities so objecting.

Rev. Stat.,
c. 272, s. 91,
para. 4 (1943,
c. 2, s. 4,
subs. 1),
re-enacted.

- (2) Paragraph 4 of the said section 91, as re-enacted by subsection 1 of section 4 of *The Assessment Amendment Act, 1943* and amended by subsection 1 of section 11 of *The Assessment Amendment Act, 1944*, is repealed and the following substituted therefor:

Appoint-
ment of
court by
Order in
Council.

4. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may appoint three persons who shall form a court which shall at such time and place as the Lieutenant-Governor in Council appoints, proceed to hear and determine the

appeal either with or without the evidence of witnesses or with such evidence as they may decide upon hearing, and may examine witnesses under oath or otherwise, and may adjourn from time to time, and the court shall equalize the valuations of real property made by the assessors in each municipality in the county, but shall not reduce the aggregate valuation for the whole county as made by the assessors, and shall forthwith report the same to the county council.

(3) Paragraph 8 of the said section 91, as amended by *Rev. Stat., c. 272, s. 91, para. 8, amended.* subsection 2 of section 11 of *The Assessment Amendment Act, 1944*, is further amended by inserting after the word "county" in the twelfth line the words "but shall not reduce the aggregate valuation for the whole county as made by the assessors", so that the paragraph shall read as follows:

8. Where all the parties to the appeal have agreed, as above provided, to have the final equalization of the assessment made by the county judge, the clerk of the county council shall forthwith notify in writing the county judge, and the county judge shall appoint a day for hearing the appeal, not later than ten days from the receipt of such notice of the appeal, and may on such day proceed to hear and determine the appeal, either with or without evidence of witnesses, or with such evidence as he may decide upon hearing, and may examine witnesses under oath or otherwise, and may adjourn from time to time, and the judge shall equalize the valuations of real property made by the assessors in each municipality in the county, but shall not reduce the aggregate valuation for the whole county as made by the assessors, and shall forthwith report the same to the county council.

17. Section 94 of *The Assessment Act*, as amended by section 13 of *The Assessment Amendment Act, 1944*, is further amended by adding thereto the following subsection: *Rev. Stat., c. 272, s. 94, amended.*

- (2) Where the council of a county has passed its by-law for equalizing assessments on which the rates for county purposes for the succeeding year are to be based and apportioned, and any municipality in the county, or any part thereof, thereafter ceases to form part of the county for municipal purposes, the council of the county shall amend the equalization by-law by deducting from the equalized assessments shown in the by-law that portion pertaining to the municipality, or part thereof, which has ceased to form part of the county, in order that the rates for county purposes for the said succeeding year may be based and apportioned on the remainder of the equalized assessments. *Where land separated from county.*

Rev. Stat.,
c. 272,
amended.

18. The Assessment Act is amended by adding thereto the following section:

Territorial District Assessor.

"Locality"
defined.

98a.—(1) For the purposes of this section, "locality" shall mean,—

Rev. Stat.,
c. 266.

(a) an improvement district erected under *The Municipal Act*; and

(b) a public school section (including a township school area and a union school section), or a separate school, or a high school district, in an unorganized township or townships or any part thereof or in unsurveyed territory,

and shall include the board of any of them.

Appoint-
ment.

1949, c. 104.

(2) The Minister may appoint a district assessor for any territorial district described in *The Territorial Division Act, 1949* whenever in any year such an appointment is requested by not less than two-thirds of the municipalities, other than improvement districts, in the territorial district.

Request by
by-law.

(3) The request for the appointment of a district assessor by any municipality shall be by a by-law of the municipality, a certified copy whereof shall be lodged with the Minister.

Idem.

(4) If in any year the number of requests made for the appointment of a district assessor is insufficient, the by-law of any municipality passed in that year requesting the appointment be made shall expire at the end of that year and cease to have further effect.

Term of
office.

(5) Every district assessor appointed under this section shall hold office during pleasure and when from any cause his office becomes vacant the Minister may appoint his successor.

Salary.

(6) The salary of each district assessor shall be such as may from time to time be fixed by the Minister.

Provision
of equip-
ment, etc.

(7) With the approval of the Minister, a district assessor for the performance of the duties of his office may from time to time,—

(a) provide suitably furnished office premises for himself and his staff, if any, at a convenient place in the territorial district for which he is appointed;

- (b) provide mechanical and other office equipment, stationery and other office supplies as are necessary and sufficient for the purposes of his office;
 - (c) appoint, engage the services and fix the salaries or wages of such assistant assessors, clerks and other employees, temporary or permanent, as are necessary and sufficient for the purposes of his office;
 - (d) incur and pay such travelling and other costs, charges and expenses as are necessary for or ordinarily incidental to the purposes of his office.
- (8) The district assessor appointed for a territorial district shall supervise the yearly assessment to be made in every municipality and locality therein and advise the local assessors thereon in order that in the preparation of the yearly assessment rolls uniform practices will be followed and that in making the yearly assessments the valuations and amounts thereof are determined in accordance with this Act and thereby ensure that the yearly assessments in every municipality and locality bear a just relation one to another. Powers and duties.
- (9) The district assessor shall not later than the 31st day of January in each year make a written report to the Minister and to the clerk of every municipality and the secretary of the board of every locality upon the matters to which subsection 8 applies in relation to the preceding year and in such report he shall make particular reference to any municipality or locality in the territorial district in which any material or substantial non-compliance with the requirements of this Act occurred during the preceding year. Report to Minister.
- (10) The district assessor shall have the same rights with respect to appeals as to assessments as a county assessor has under section 89a and the provisions of that section in relation thereto shall, *mutatis mutandis*, apply and be followed. Rights of appeal.
- (11) The total annual cost incurred for the salaries and wages of a district assessor and his staff, if any, and for all other expenses and disbursements in connection with his office as authorized by this section shall be chargeable to and be provided and paid by Payment of costs.

- the municipalities and localities in the territorial district, and the amount of their respective shares shall be in the proportion that the rateable assessment of each of them bears to the total of the rateable assessments of all of them, according to their last revised assessment rolls.

Budget.

- (12) The district assessor shall in December of each year prepare the budget of the estimated cost of his office for the ensuing year and of the proportion thereof chargeable to each municipality and locality and shall deliver a copy of such budget to each municipality and locality not later than the 15th day of that month.

Appeal.

- (13) Any municipality or locality not satisfied with such budget or its proportion thereof may, within 10 days of receipt of same, appeal to the Minister whose decision on such appeal shall be final and binding and any correction in the budget or in the proportions chargeable to the municipalities and localities shall be made as the Minister may direct in writing.

Payments to assessor.

- (14) Every municipality and locality shall in each year remit to the district assessor by equal quarterly payments in advance its proportion of the cost for that year as shown in the budget, or as shown in the budget as corrected according to the decision of the Minister upon an appeal, and such quarterly payments shall be made on the 15th day of January, April, July and October in each year, and if any such quarterly payment is not made on due date the same shall bear interest at the rate of six per centum per annum until paid.

Audit.

- (15) The district assessor shall keep proper books of account with respect to his office and the same shall be audited annually by the auditor of the municipality having the largest rateable assessment in the territorial district and the cost of the audit shall be deemed to be an expense of the office of the district assessor and be included in his annual budget.

Copy of audit to be delivered.

- (16) A copy of the auditor's report for each year shall be mailed by the auditor to each municipality and locality in the territorial district, and if a deficit occurred with respect to that year the amount thereof shall be included in the next budget, and if a surplus resulted for that year the same shall be shown in the next budget and shall serve to reduce the amount required to be provided by the municipalities and localities.

19. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat.,
c. 272,
amended.

104a.—(1) The council of any municipality may by by-law provide that where the sum of the taxes for which any person is chargeable in any year for municipal, school, local improvement and other purposes, upon any real property assessed in one parcel to the same owner would according to the assessment thereon be less than \$3, the sum of such taxes shall be deemed to be \$3 and shall be so entered on the collector's roll, and the difference between the sum that would have been entered but for this section and the sum of \$3 shall form part of the general funds of the municipality. Minimum
tax.

(2) Where immediately prior to the passing of a by-law by any municipality under subsection 1, lots therein owned by the same person were assessed together under clause *f* of subsection 1 of section 23, such lots shall continue to be so assessed as long as they all remain the property of that person, provided that nothing in this subsection shall be deemed to apply to the amount at which such lots may be assessed. Existing
combined
assessments
to be
continued.

(3) Where at any time after the passing of a by-law by any municipality under subsection 1, lots therein which adjoin one another are shown on the same registered plan and are owned by the same person, he may by notice in writing to the assessor require that such lots shall thereafter be assessed as one parcel and at one total amount of assessment during such time as he continues to be the owner. Requirement
for combined
assessment.

20. Section 124 of *The Assessment Act*, as amended by section 27 of *The Assessment Amendment Act, 1946* and section 25 of *The Assessment Amendment Act, 1947*, is further amended by adding thereto the following subsection: Rev. Stat.,
c. 272, s. 124
amended.

(2a) In any municipality in which a by-law passed under subsection 3 of section 59 is in force, the council may also provide in the by-law passed under this section that the business assessment may be taken by wards, divisions of wards or groups of polling subdivisions, as the case may be, and in the by-law shall provide for the time when the roll shall be returned and the court of revision held for each ward, division or group. Business
assessment
by wards,
etc.

Rev. Stat.,
c. 272, s. 125,
subs. 1 (1944,
c. 7, s. 15,
subs. 1),
amended.

21. Subsection 1 of section 125 of *The Assessment Act*, as re-enacted by subsection 1 of section 15 of *The Assessment Amendment Act*, 1944, is amended by adding at the end of clause *e* the word "or", and by adding thereto the following clause:

- (f) in respect of land which has become exempt from taxation during the year, for a proportionate part of the taxes based on the number of months in that year during which the exemption applied.

Rev. Stat.,
c. 272, s. 141,
amended.

22. Section 141 of *The Assessment Act* is amended by striking out the word "cities" in the first line and inserting in lieu thereof the word "municipalities", so that the section shall read as follows:

Apportion-
ment of taxes
in municipal-
ities
having an
assessment
commis-
sioner.

141. In municipalities having an assessment commissioner, where taxes or rates are or have become due upon land assessed in one block, the assessment commissioner, upon application by or on behalf of any person claiming to be an owner of one or more parcels of such land, may, after notice of application to all the owners, make the apportionment in subsection 1 of section 140 mentioned, and thereafter the treasurer shall accept taxes or rates apportioned to any subdivision in satisfaction of the taxes or rates thereon, and each subdivision shall only be liable to sale for non-payment of the taxes or rates so apportioned to or charged against it.

Rev. Stat.,
c. 272, s. 175,
amended.

23. Section 175 of *The Assessment Act* is amended by striking out the words "such surveyor's fee not to exceed \$1", in the tenth and eleventh lines, so that the section shall read as follows:

Expenses of
search in
registry
office for
description,
etc.

175. The treasurer shall, in all certificates and deeds given for lands sold at such sale, give a description of the part sold with sufficient certainty, and if less than a whole lot is sold, then he shall give such a general description as may enable a surveyor to lay off the piece sold on the ground, and he may make search, if necessary, in the registry office, to ascertain the description and boundaries of the whole parcel, and he may also obtain a surveyor's description of such lots, to be taken from the registry office or the government maps, where a full description cannot otherwise be obtained, and the charges so incurred shall be included in the account and paid by the purchaser of the land sold, or the person redeeming the same.

Rev. Stat.,
c. 272,
amended.

24. *The Assessment Act* is amended by adding thereto the following section:

211a.—(1) Any assessment commissioner or assessor or ^{Disclosure of} other person in the employ of a municipality who in the course of his duties acquires or has access to information, furnished by any person pursuant to sections 16 or 17, which relates in any way to determination of the value of any real property or the amount of assessment thereof or to the determination of the amount of any business assessment, and who wilfully discloses or permits to be disclosed any such information not required to be entered on the assessment roll to any other persons not likewise entitled in the course of his duties to acquire or have access to the information, shall be liable to a penalty of not more than \$200, or to imprisonment for a term of not more than six months, or to both.

(2) This section shall not prevent disclosure of such in- ^{Exception.} formation by any person when being examined as a witness in an assessment appeal or in an action or other proceeding in a court or in an arbitration.

25.—(1) Form 1 of *The Assessment Act*, as amended by ^{Rev. Stat., c. 272,} section 7 of *The Assessment Amendment Act, 1940*, is repealed ^{Form 1,} and Form 1 as set out in the Schedule to this Act is substituted ^{re-enacted.} therefor.

(2) Form 4 of *The Assessment Act*, as re-enacted by sub- ^{Rev. Stat., c. 272,} section 4 of section 2 of *The Statute Law Amendment Act, 1938* and amended by subsection 1 of section 22 of *The Assessment Amendment Act, 1948*, is repealed and Form 4 as set ^{(1938, c. 37, s. 2, subs. 4), re-enacted.} out in the Schedule to this Act is substituted therefor.

26.—(1) This Act, except sections 1, 2, 3, 6, 7, 8, 9, 10, 19, ^{Commence-} 20 and 25, shall come into force on the day it receives the ^{ment of Act.} Royal Assent.

(2) Sections 1, 2, 6, 7, 8, 9, 10 and 20 shall be deemed ^{Idem.} to have come into force on the 1st day of January, 1950.

(3) Sections 3, 19 and 25 shall come into force on the 1st ^{Idem.} day of January, 1951.

27. This Act may be cited as *The Assessment Amendment* ^{Short title} *Act, 1950.*

SCHEDULE

FORM 1

(Section 17)

THE
OF
(Name of Municipality)

NOTICE TO OWNER
TENANT FOR RETURN OF ASSESSMENT INFORMATION

Real Property to which this Notice relates

Roll No..... (19...) Ward..... Poll. Sub. No..... School Section
or Area No.....

Name of Owner last assessed.....

Name of Tenant last assessed.....

Lot or part of Lot No. Concession No. Reputed Acreage.....Ac.

Street and Street No..... on Side of Street
(Number) (Name of Street)

Subdivision Lot or part of Lot No. Block..... Registered Plan No.....
(Assessor to fill in whichever description most readily identifies the property)

To..... P.O. Address.....

We understand you are the present owner or part owner
tenant of the above described

property which during the current year we have already visited on two or more occasions
in the course of our duties, namely, on

.....
(The Assessor must enter date of each visit on above line)

to enable us to make an accurate assessment of both persons and property for entry
on the assessment roll now being made. On none of these occasions were we able to
obtain information we must enter on the roll or on the Census Register and we are
compelled, therefore, to seek the missing information from you so that the proper
assessment and record of persons and property may be made. Herewith we send you
the undermentioned forms of Questionnaire, which pursuant to *The Assessment Act*
you are required to complete and have filed with the undersigned within 10 days after
the date of delivery or mailing of this notice. We trust you will give prompt attention
to this matter and thereby avoid subjecting yourself to the penalty for non-compliance
which the statute imposes.

Forms of Questionnaire herewith:

(The assessor to enter above the particular form or forms being sent by showing the reference
letter which identifies it, namely, A, B, C, D, E, or F, as the case may be.)

Dated this.....day of.....19... ..
(Assessor or Assessment Commissioner)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE A

Roll No..... (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....
(Above to be filled in before delivery or mailing of the Notice)PARTICULARS OF REAL PROPERTY TO BE FURNISHED BY OWNER
TENANT

1. Interior of Building:

(a) Number of rooms.....

(b) Type of heating system.....

(c) Plumbing installation—Kinds and number of fixtures.....

.....

2. Land Acreage (farm property only):

(a) Cleared.....ac. (b) Woodland.....ac. (c) Slashland.....ac.

(d) Swamp, Marsh or Waste.....ac. (e) Total.....ac.

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19....

.....
(Signature of Owner or Tenant)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE B

Roll No..... (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....
(Above to be filled in before delivery or mailing of the Notice)

PARTICULARS OF OWNERSHIP TO BE FURNISHED BY OWNER

1. Name in full of each Owner	Female Owner M., W., or S.	Year of Birth	Address	Occupation	British Subject (B. S.) or Alien (A.)	Religion	Public or Separate School Support (P.S.) (S.S.)	Where Spouse (if any) is not an Owner	
								Given or Christian Name	Year of Birth

2. PARTICULARS OF OCCUPANCY BY OTHER THAN OWNER—

TO BE FURNISHED BY OWNER

(a) If the property is occupied by any person other than an owner:

(i) state name of such occupant.....

(ii) state nature of his occupancy.....

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19.... (Signature of Owner)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE C

Roll No. (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....
(Above to be filled in before delivery or mailing of the Notice)

PARTICULARS OF GROSS RENTALS TO BE FURNISHED BY OWNER

1.	Preceding Year 19.... Actual	Current Year 19.... Estimated
Gross Rentals		
(a) Total amount received and to be received for the whole year	\$	\$
(b) Total not received or receivable for the year by reason of:		
(i) vacancies.....		
(ii) occupancy by persons not obliged to pay rent or full rental.....		
(iii) other causes as below stated.....		
Total.....		

2. Do rent control regulations apply with respect to the whole or any part of the
property? If so, state particulars:
.....

3.	Preceding Year 19.... Actual	Current Year 19.... Estimated
Deductions from Gross Rentals for services supplied by owner		
(State nature and amount of each item separately)	\$	\$
(a)		
(b)		
(c)		
Total.....		

I hereby certify that I have knowledge of the particulars contained in the foregoing
Questionnaire and that the same are in every respect fully and truly stated to the best
of my knowledge and belief.

Dated..... 19.... (Signature of Owner)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE D

Roll No..... (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....
(Above to be filled in before delivery or mailing of the Notice)

PARTICULARS OF TENANCY TO BE FURNISHED BY TENANT

[illegible]

2. Give name and P.O. Address hereunder of the owner, or if the owner's name is not known, give the name and P.O. Address of his agent or other person to whom the tenant pays rent.

.....

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19.....
(Signature of Tenant)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE E

oll No..... (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....
(Above to be filled in before delivery or mailing of the Notice)

PARTICULARS OF GROSS RENTALS PAYABLE TO BE FURNISHED BY TENANT

1.	Preceding Year 19.... Actual	Current Year 19.... Estimated
Gross Rentals		
(a) Total rent paid and yet to be paid for the whole year.....	\$	\$
(b) Total amount paid and yet to be paid (in addition to rent) with respect to the property for:		
(i) services furnished by the owner.....		
(ii) garage or car storage or parking space.....		
(iii) other purposes as itemized below—		
.....		
.....		
.....		
Total.....		

2. Do rent control regulations apply with respect to the whole or any part of the property? If so, state particulars.....
.....
.....

3. Deduction from gross rentals payable which the owner is obliged to allow to the tenant. State nature and amount of each item separately.	Preceding Year 19.... Actual	Current Year 19.... Estimated
(i)		
(ii)		
Total.....		

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19....
(Signature of Tenant)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE F

Roll No..... (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....
(Above to be filled in before delivery or mailing of the Notice)PARTICULARS OF CENSUS FOR CURRENT YEAR TO BE FURNISHED BY OWNER
TENANT

1. Name in full of each person residing on the property, including occupant's family, relatives, boarders, roomers, employees, etc.	Occupation	Year of Birth	British Subject (B. S.) or Alien (A.)

2. Number of dogs kept on the property:

(a) Male or spayed female..... (b) Female not spayed.....

Total.....

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19....
(Signature of Owner or Tenant)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE G

Roll No..... (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....
(Above to be filled in before delivery or mailing of the Notice)

PARTICULARS OF BUSINESS ASSESSMENT TO BE FURNISHED BY OCCUPANT

-
1. State name of occupant or occupants carrying on business on the premises.....
.....
.....
 2. State kind or nature of businesses carried on by occupant or occupants.....
.....
.....
 3. What amount of floor area does each kind or nature of business occupy?.....
.....
.....
-

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19....
(Signature of Occupant)

P.O. Address.....

FORM 4

(Section 52)

THE.....OF.....
(Name of Municipality)

NOTICE OF ASSESSMENT MADE IN 19.....

FOR TAXATION IN 19.....

Roll No..... Ward..... Poll. Sub. No.....
School Section or Area No.....THIS NOTICE WAS
DELIVERED OR
MAILED ON THE

.....DAY

OF.....

19.....

Take notice that you are assessed for taxation as herein specified. If you deem yourself improperly assessed in any respect you or your agent may within.....days after the.....day of.....19.....
(Insert date on which Roll is to be returned)

notify the Clerk or Assessment Commissioner in writing of your complaint and it will be tried by the Court of Revision.

..... P. O. Address.....
Assessor (or Assessment Commissioner)

DESCRIPTION OF PROPERTY ASSESSED

Lot Number or Street Number	Number of Concession or Name of Street	Side of Road or Street or other Location	Acreage or Street Frontage	REGISTERED PLAN		
				Lot or part of Lot	Block	Plan No.

PARTICULARS OF AMOUNT OF ASSESSMENT

REAL PROPERTY ASSESSMENT			REAL PROPERTY ASSESSMENT WHICH IS			BUSINESS ASSESSMENT	
Land	Buildings	Total	A Liable for School Rates only	B Liable for Local improve- ments only	C Exempt from Taxation	Percentage of Assessed Value	Amount
\$	\$	\$	\$	\$	\$		\$

PARTICULARS OF PERSONS ASSESSED

Name of Owners and Tenants	Owner (O.) Tenant (T.) Legislative Franchise (L.F.)	British Subject (B.S.) or Alien (A.)	Public School (P.S.) Separate School (S.S.) Support	Occupation	YOU ARE ASSESSED AS A PUBLIC SCHOOL SEPARATE SCHOOL SUPPORTER IN RESPECT OF THE ABOVE DESCRIBED PROPERTY

Where property is occupied by a tenant, taxation for school purposes is determined accordingly as the tenant is assessed for school support.

Detach at perforation, if you are appealing your assessment. Retain the top portion and use lower portion for notice of appeal.

NOTICE OF APPEAL FROM ASSESSMENT

Roll No.....(19...)

THE.....OF.....
(Name of Municipality)

To the Clerk or Assessment Commissioner:

Take notice that I hereby appeal from the assessment made under the above mentioned Roll Number for the following reasons:—

.....
.....
.....

Dated..... 19....

.....
Signature of Appellant or his Agent

P.O. Address.....

BILL

An Act to amend The Assessment Act.

1st Reading

March 9th, 1950

2nd Reading

March 20th, 1950

3rd Reading

April 5th, 1950

MR. DUNBAR

No. 103

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Ontario Municipal Board Act.

MR. DUNBAR

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTIONS 1 and 2. These amendments authorize the appointment of two vice-chairmen for the Ontario Municipal Board.

No. 103

1950

BILL

An Act to amend The Ontario Municipal Board Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 7 of *The Ontario Municipal Board Act*, as re-enacted by subsection 1 of section 1 of *The Ontario Municipal Board Amendment Act, 1947*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 60, s. 7,
subs. 2
(1947,
c. 73, s. 1,
subs. 1),
re-enacted.

(2) The members shall be appointed by the Lieutenant-Governor in Council and of them one shall be appointed as chairman, one as senior vice-chairman and another as junior vice-chairman.

Appoint-
ments to
Board.

2. Sections 10 and 11 of *The Ontario Municipal Board Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 60,
ss. 10, 11,
re-enacted.

10: Where,—

(a) the chairman is absent or unable to act or the office of chairman is vacant, the senior vice-chairman; or

Powers of
vice-
chairmen
where no
chairman.

(b) the chairman and the senior vice-chairman are absent or unable to act or the offices of chairman and senior vice-chairman are vacant, the junior vice-chairman,

shall have and exercise the jurisdiction and powers of the chairman, including the power to complete any unfinished matter.

11. Whenever it appears that a vice-chairman has acted for and instead of the chairman, it shall conclusively be presumed that he has so acted in the absence or disability of or vacancy in the office of the chairman or of the chairman and the other vice-chairman, as the case may be.

Presumption
of having
duly acted.

Rev. Stat.,
c. 60,
ss. 13, 14,
re-enacted.

3. Sections 13 and 14 of *The Ontario Municipal Board Act* are repealed and the following substituted therefor:

Quorum.

13.—(1) Two members of the Board shall form a quorum and be sufficient for the exercise of all the jurisdiction and powers of the Board, and not less than two members shall attend at the hearing of every case.

Signature of
orders, etc.

(2) All orders, rules, regulations, certificates and other documents made or issued by the Board may be signed by the chairman or a vice-chairman.

Assignment
of members
and staff for
sittings.

14. The chairman shall from time to time assign the members of the Board to its various sittings and may change any such assignments at any time and the chairman may from time to time direct any officer or other member of the staff of the Board to attend any of the sittings of the Board and may prescribe his duties.

Rev. Stat.,
c. 60, s. 16,
amended.

4. Section 16 of *The Ontario Municipal Board Act* is amended by striking out the words "The Board or" at the commencement thereof, so that the section shall read as follows:

Reference
to a member.

16. The chairman may authorize any one of the members to report to the Board upon any question or matter arising in connection with the business of the Board, and when so authorized such member shall have all the powers of the Board for the purpose of taking evidence and acquiring the necessary information for the purpose of such report, and upon the report being made to the Board, it may be adopted as the order of the Board or otherwise dealt with as to the Board seems proper.

Rev. Stat.,
c. 60, s. 30,
cl. a,
repealed.

5. Clause a of section 30 of *The Ontario Municipal Board Act* is repealed.

Rev. Stat.,
c. 60, s. 65,
re-enacted.

6. Section 65 of *The Ontario Municipal Board Act*, as amended by subsection 2 of section 18 of *The Statute Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Debentures
to be
certified.

65.—(1) Every debenture the validity of which is certified by the Board shall bear the seal and certificate of the Board establishing that the by-law under the authority of which the debenture is issued has been approved by the Board and that the debenture is issued in conformity therewith.

SECTION 3. Heretofore section 14 has authorized one member of the Board to deal with matters that are not opposed. This provision is removed. Under the re-enacted section 14 the chairman is authorized to direct what members of the Board shall deal with any matter before the Board, and to designate a member of the Board staff to attend any sittings. Provision is made in subsection 2 of the new section 13 that all orders, rules, etc., of the Board may be signed either by the chairman or by a vice-chairman.

SECTION 4. The power to authorize one member to report to the Board on any matter has heretofore been vested in the Board or the chairman. Henceforth this power will be vested only in the chairman.

SECTION 5. The repealed provision required the secretary of the Board to attend all sittings of the Board.

SECTION 6. This section is re-enacted to provide that notwithstanding the new requirement in subsection 2 of section 13 (see section 3 of this Bill), the certificate of the Board on debentures validated may be signed by any member of the Board.

SECTION 7. This amendment authorizes signature of notices by a vice-chairman as well as by the chairman and secretary.

SECTION 8. This amendment provides that any document purporting to be signed by a vice-chairman shall be *prima facie* evidence, without proof of signature, that the document was duly signed.

- (2) Notwithstanding subsection 2 of section 13, the ^{Signature on} certificate may be signed by any member of the ^{certificate.} Board or by a person specially authorized by the chairman.

7. Clause *a* of section 83 of *The Ontario Municipal Board* ^{Rev. Stat.,} *Act* is amended by inserting after the word "chairman" in ^{c. 60, s. 83,} the first line the words "a vice-chairman", so that the clause ^{cl. 2,} shall read as follows: ^{amended.}

- (a) by the Board, may be signed by the chairman, a vice-chairman or secretary.

8. Subsection 1 of section 88 of *The Ontario Municipal* ^{Rev. Stat.,} *Board Act* is amended by striking out the words "chairman ^{c. 60, s. 88,} and secretary, or by either of them" in the second line and ^{subs. 1,} inserting in lieu thereof the words "chairman or a vice- ^{amended.} chairman and the secretary, or by any of them", so that the subsection shall read as follows:

- (1) Every document purporting to be signed by the ^{Evidence of} chairman or a vice-chairman and the secretary, ^{documents.} or by any of them, or by an inspecting engineer, shall, without proof of the signature, be *prima facie* evidence that such document was duly signed, and shall be sufficient notice to the company and all parties interested, if served in the manner provided by section 84 for service of notice, that such document was duly signed and issued by the Board, or inspecting engineer, as the case may be.

9. This Act shall come into force on the day it receives ^{Commence-} the Royal Assent. ^{ment of Act.}

10. This Act may be cited as *The Ontario Municipal Board* ^{Short title.} *Amendment Act, 1950.*

BILL

An Act to amend The Ontario Municipal
Board Act.

1st Reading

March 10th, 1950

2nd Reading

3rd Reading

MR. DUNBAR

No. 103

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Ontario Municipal Board Act.

MR. DUNBAR

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Ontario Municipal Board Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 7 of *The Ontario Municipal Board Act*, as re-enacted by subsection 1 of section 1 of *The Ontario Municipal Board Amendment Act, 1947*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 60, s. 7,
subs. 2
(1947,
c. 73, s. 1,
subs. 1),
re-enacted.

(2) The members shall be appointed by the Lieutenant-Governor in Council and of them one shall be appointed as chairman, one as senior vice-chairman and another as junior vice-chairman.

Appoint-
ments to
Board.

2. Sections 10 and 11 of *The Ontario Municipal Board Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 60,
ss. 10, 11,
re-enacted.

10. Where,—

(a) the chairman is absent or unable to act or the office of chairman is vacant, the senior vice-chairman; or

Powers of
vice-
chairmen
where no
chairman.

(b) the chairman and the senior vice-chairman are absent or unable to act or the offices of chairman and senior vice-chairman are vacant, the junior vice-chairman,

shall have and exercise the jurisdiction and powers of the chairman, including the power to complete any unfinished matter.

11. Whenever it appears that a vice-chairman has acted for and instead of the chairman, it shall conclusively be presumed that he has so acted in the absence or disability of or vacancy in the office of the chairman or of the chairman and the other vice-chairman, as the case may be.

Presumption
of having
duly acted.

Rev. Stat.,
c. 60,
ss. 13, 14,
re-enacted.

3. Sections 13 and 14 of *The Ontario Municipal Board Act* are repealed and the following substituted therefor:

Quorum.

13.—(1) Two members of the Board shall form a quorum and be sufficient for the exercise of all the jurisdiction and powers of the Board, and not less than two members shall attend at the hearing of every case.

Signature of
orders, etc.

(2) All orders, rules, regulations, certificates and other documents made or issued by the Board may be signed by the chairman or a vice-chairman.

Assignment
of members
and staff for
sittings.

14. The chairman shall from time to time assign the members of the Board to its various sittings and may change any such assignments at any time and the chairman may from time to time direct any officer or other member of the staff of the Board to attend any of the sittings of the Board and may prescribe his duties.

Rev. Stat.,
c. 60, s. 16,
amended.

4. Section 16 of *The Ontario Municipal Board Act* is amended by striking out the words "The Board or" at the commencement thereof, so that the section shall read as follows:

Reference
to a member.

16. The chairman may authorize any one of the members to report to the Board upon any question or matter arising in connection with the business of the Board, and when so authorized such member shall have all the powers of the Board for the purpose of taking evidence and acquiring the necessary information for the purpose of such report, and upon the report being made to the Board, it may be adopted as the order of the Board or otherwise dealt with as to the Board seems proper.

Rev. Stat.,
c. 60, s. 30,
cl. a,
repealed.

5. Clause a of section 30 of *The Ontario Municipal Board Act* is repealed.

Rev. Stat.,
c. 60, s. 65,
re-enacted.

6. Section 65 of *The Ontario Municipal Board Act*, as amended by subsection 2 of section 18 of *The Statute Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Debentures
to be
certified.

65.—(1) Every debenture the validity of which is certified by the Board shall bear the seal and certificate of the Board establishing that the by-law under the authority of which the debenture is issued has been approved by the Board and that the debenture is issued in conformity therewith.

- (2) Notwithstanding subsection 2 of section 13, the certificate may be signed by any member of the Board or by a person specially authorized by the chairman. Signature on certificate.

7. Clause *a* of section 83 of *The Ontario Municipal Board Act* is amended by inserting after the word "chairman" in the first line the words "a vice-chairman", so that the clause shall read as follows: Rev. Stat., c. 60, s. 83, cl. a, amended.

- (a) by the Board, may be signed by the chairman, a vice-chairman or secretary.

8. Subsection 1 of section 88 of *The Ontario Municipal Board Act* is amended by striking out the words "chairman and secretary, or by either of them" in the second line and inserting in lieu thereof the words "chairman or a vice-chairman and the secretary, or by any of them", so that the subsection shall read as follows: Rev. Stat., c. 60, s. 88, subs. 1, amended.

- (1) Every document purporting to be signed by the chairman or a vice-chairman and the secretary, or by any of them, or by an inspecting engineer, shall, without proof of the signature, be *prima facie* evidence that such document was duly signed, and shall be sufficient notice to the company and all parties interested, if served in the manner provided by section 84 for service of notice, that such document was duly signed and issued by the Board, or inspecting engineer, as the case may be. Evidence of documents.

9. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

10. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1950*. Short title.

BILL

An Act to amend The Ontario Municipal
Board Act.

1st Reading

March 10th, 1950

2nd Reading

March 20th, 1950

3rd Reading

March 23rd, 1950

MR. DUNBAR

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Hours of Work and Vacations with Pay Act, 1944.

MR. BROWN

No. 104

1950

BILL

An Act to amend The Hours of Work and
Vacations with Pay Act, 1944.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) Subsection 2 of section 2 of *The Hours of Work and Vacations with Pay Act, 1944* is repealed and the following substituted therefor: 1944, c. 26, s. 2, subs. 2, re-enacted.

(2) Subject to the provisions of this Act, every employee in an industrial undertaking shall be given a vacation of at least one week with pay after the first working year of his employment and two weeks with pay after the second and each subsequent year respectively of his employment. Vacations.

(2) Subsections 3 and 4 of the said section 2, as enacted by section 1 of *The Hours of Work and Vacations with Pay Amendment Act, 1947*, are repealed and the following substituted therefor: 1944, c. 26, s. 2, subs. 3, 4 (1947, c. 47, s. 1), re-enacted.

(3) The employer may determine the period when each employee may take the vacation provided for in subsection 2 but the whole of such vacation must be given at one time and such period shall not be later than ten months after the conclusion of the working year. Employer may determine period of vacation.

(4) The amount of pay for the vacation given to an employee as provided for in subsection 2 shall not be less than an amount equal to in the case of the vacation after the first year of employment two per centum, and in the case of the vacation after the second year or subsequent years four per centum of the pay received by the employee for all the work done in the working year. Amount of pay.

2. Clause *dd* of section 10 of *The Hours of Work and Vacations with Pay Act, 1944*, as re-enacted by section 2 of *The Hours of Work and Vacations with Pay Amendment Act, 1947*, is repealed and the following substituted therefor: 1944, c. 26, s. 10, cl. *dd* (1947, c. 47, s. 2), re-enacted.

(dd) providing, in lieu of a vacation with pay, for the payment to an employee who has ceased to be employed by an employer, of an amount equal to in the case of an employee who has worked less than one year two per centum, and in the case of an employee in his second or subsequent year of employment four per centum of the pay received for all work done in the period of employment in that year and fixing the minimum periods of employment to which a regulation made under this clause shall apply.

Short title. · **3.** This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1950*.

BILL

An Act to amend The Hours of Work and
Vacations with Pay Act, 1944.

1st Reading

March 10th, 1950

2nd Reading

3rd Reading

MR. BROWN

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting Prepaid Hospital and Medical Services.

MR. PORTER

EXPLANATORY NOTE

This Act provides for the registration and supervision by the Department of Insurance of associations incorporated for the purpose of establishing, maintaining and operating a hospital or medical service on a non-profit prepayment basis, whereby any one or more of hospital, medical, surgical, nursing or dental services or payment therefor may be provided to persons who become subscribers or members of such associations.

No. 105

1950

BILL

An Act respecting Prepaid Hospital and Medical Services.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "association" means any company or corporation incorporated for the purpose of establishing, maintaining and operating a hospital or medical service on a non-profit prepayment basis, whereby any one or more of hospital, medical, surgical, nursing or dental services or payment therefor may be provided to persons who become subscribers with, or members of, such company or corporation, or for these and similar purposes, but does not include an insurer licensed under *The Insurance Act* or a pension fund and employees' mutual benefit society incorporated under Part XVI of *The Companies Act*;

Rev. Stat.,
c. 256.

Rev. Stat.,
c. 251.

- (b) "Superintendent" means Superintendent of Insurance under *The Insurance Act*.

2. Every association registered under this Act shall be exempt from the provisions of *The Insurance Act*.

Registered
associations
exempt from
Rev. Stat.,
c. 256.

3. No letters patent granting a charter to an association shall be issued under *The Companies Act* without the written approval of the Superintendent.

Incorpora-
tion.

4. No association shall, within Ontario, contract to furnish hospital or medical service on a prepayment basis or make payment therefor unless registered under this Act.

No associa-
tion to
carry on
business
unless
registered.

5.—(1) Every application for registration shall be made in writing to the Superintendent and shall be accompanied,

Application
for regis-
tration.

- (a) by the prescribed fee;

- (b) by a certified copy of the Act or other instrument of incorporation of the association and of its constitution, by-laws and regulations;
- (c) by a copy of every contract or proposed contract with a hospital, physician and other person for the rendering of services to subscribers or members;
- (d) by a copy of every form of contract or proposed contract with subscribers or members;
- (e) by a certified list of rates charged or to be charged to subscribers or members together with details of the benefits which the association contracts to furnish to subscribers or members;
- (f) a copy of the balance sheet of the association and a statement of income and expenditures as of the close of its last fiscal year, certified by the president, or vice-president, and the managing director or some other principal officer of the association and reported on by its auditor;
- (g) by such other information or material as the Superintendent may require.

Registration
to be
granted by
Superinten-
dent.

(2) The Superintendent shall grant registration to an association if he is satisfied,

- (a) that the applicant is established as a *bona fide* association;
- (b) that the contracts and proposed contracts with hospitals, physicians or other persons for the rendering of service to subscribers or members and the contracts or proposed contracts with subscribers or members are fair and reasonable;
- (c) that the applicant has established and has such working capital and reserves as the Superintendent deems adequate; and
- (d) that the applicant has complied with the provisions of subsection 1.

Application
for renewal
of registra-
tion.

6.—(1) Every application for renewal of registration shall be made in writing to the Superintendent on or before the 21st day of March in each year and shall be accompanied by the prescribed fee and such information and material as the Superintendent may require.

(2) The Superintendent shall grant renewal of registration to an association if he is satisfied, Renewal of registration.

(a) that the contracts and proposed contracts with hospitals, physicians or other persons for the rendering of service to subscribers or members and the contracts or proposed contracts with subscribers and members are fair and reasonable;

(b) that the applicant has such working capital and reserves as the Superintendent deems adequate; and

(c) that the applicant has complied with the provisions of subsection 1.

7. Every registration and renewal of registration shall lapse on the 31st day of March in each year. Termination and renewal of registration.

8. The Superintendent may suspend or cancel any registration upon any grounds which would justify refusal to grant registration or renewal of registration or where the association fails to comply with any provision of this Act. Suspension and cancellation.

9. The Superintendent may at the request of the association, evidenced as he may direct, cancel its registration. Cancellation by request of association.

10. Notwithstanding any decision of the Superintendent, a further application for registration or renewal of registration may be made upon new or other material or where it is clear that any material circumstance has changed. Further application for registration.

11.—(1) Any association that deems itself aggrieved by any decision of the Superintendent may appeal therefrom to the Court of Appeal. Appeal.

(2) The appeal shall be set down for argument at the first sitting of the Court of Appeal that commences after the expiration of thirty days from the decision complained of. When to be set down.

(3) The practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action. Procedure.

(4) The Superintendent shall certify to the Registrar of the Supreme Court the decision appealed from, his reasons therefor, and the documents, information and material he had before him in making such decision. Record.

12.—(1) Every registered association shall deliver to the Superintendent within one month of the passing thereof a certified copy of any by-law passed by the board of directors. Filing of by-laws.

Filing of
balance
sheet, etc.

(2) Not later than four months after the expiration of its fiscal year, every registered association shall file with the Superintendent a balance sheet and a statement of income and expenditures for such fiscal year, certified by the president, or vice-president, and the managing director or some other principal officer of the association and reported on by its auditor, and such other financial statements as the Superintendent may require.

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(3) On sufficient cause shown, the Superintendent may by writing extend the time for filing the statements required under subsection 2.

General
statement
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13.—(1) Not later than four months after the expiration of its last fiscal year every registered association shall prepare a general statement of its affairs in a form approved by the Superintendent.

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for prepara-
tion.

(2) On sufficient cause shown, the Superintendent may by writing extend the time for the preparation of a general statement of affairs under subsection 1.

Statement
to be
attested.

(3) Every such statement shall be attested by the signature of the president, or vice-president, and the managing director or some other principal officer of the association and shall be accompanied by the auditor's report.

Copies to
subscribers
on request.

(4) A copy of such statement shall be mailed or delivered without charge to any subscriber or member who requests a copy.

Inspection
of books,
etc.

14.—(1) The Superintendent or his duly authorized representative may at any time make or cause to be made an inspection of the books, documents and records of any registered association.

Access to
books, etc.

(2) Upon any such inspection, the Superintendent or his duly authorized representative shall be entitled to free access to all books of account, cash, securities, documents, bank accounts, vouchers, correspondence and records of every description of the association, and no person shall withhold, destroy, conceal or refuse to furnish any information or thing reasonably required by the Superintendent or his representative under this section.

Investments
allowed.

15. A registered association may invest its funds in any securities in which a joint stock insurance company may invest its funds under *The Companies Act*.

Rev. Stat.,
c. 251.

Power to
hold real
property.

16.—(1) A registered association may hold real property which, having been mortgaged or hypothecated to it, has been

acquired by it for the protection of its investment, and real property conveyed to it in satisfaction of debts previously contracted in the course of its business, and may from time to time sell, mortgage, lease, exchange or otherwise dispose of such real property, but the association shall sell any such real property within seven years after it has been so acquired.

(2) A registered association may hold to its own use and benefit such real property as is necessary for the transaction of its business, or is acquired or held *bona fide* for building upon or improving for that purpose, and may sell, mortgage or dispose of such real property. Idem.

(3) A registered association, when authorized by its letters patent or by the Lieutenant-Governor in Council, may construct on any lands held pursuant to subsection 2, or may acquire, a building larger than is required for the transaction of its business and may lease any part of the building not so required. Power to acquire and construct building.

17. The fee for registration or renewal of registration for an association shall be, where the income from subscribers or members in the previous fiscal year, Fees for registration and renewal.

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18 .Every association not registered under this Act that contracts to furnish hospital or medical service on a prepayment basis or makes payment therefor shall be guilty of an offence and on summary conviction shall be liable to a penalty of \$20 for each day during which the association carries on such business. Offence to carry on business unless registered.

19. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

20. This Act may be cited as *The Prepaid Hospital and Medical Services Act, 1950*. Short title.

An Act respecting Prepaid Hospital
and Medical Services.

1st Reading

March 13th, 1950

2nd Reading

3rd Reading

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting Prepaid Hospital and Medical Services.

MR. PORTER

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTE

This Act provides for the registration and supervision by the Department of Insurance of associations incorporated for the purpose of establishing, maintaining and operating a hospital or medical service on a non-profit prepayment basis, whereby any one or more of hospital, medical, surgical, nursing or dental services or payment therefor may be provided to persons who become subscribers or members of such associations.

BILL

An Act respecting Prepaid Hospital and Medical Services.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "association" means any company or corporation incorporated for the purpose of establishing, maintaining and operating a hospital or medical service on a non-profit prepayment basis, whereby any one or more of hospital, medical, surgical, nursing or dental services or payment therefor may be provided to persons who become subscribers with, or members of, such company or corporation, or for these and similar purposes, but does not include an insurer licensed under *The Insurance Act* or a pension fund and employees' mutual benefit society incorporated under Part XVI of *The Companies Act*;

Rev. Stat.,
c. 256.

Rev. Stat.,
c. 251.

- (b) "Superintendent" means Superintendent of Insurance under *The Insurance Act*.

2. Every association registered under this Act shall be exempt from the provisions of *The Insurance Act*.

Registered
associations
exempt from
Rev. Stat.,
c. 256.

3. No letters patent granting a charter to an association shall be issued under *The Companies Act* without the written approval of the Superintendent.

Incorporation.

4. No association shall, within Ontario, contract to furnish hospital, medical, surgical, nursing or dental service, or any combination of them, on a prepayment basis or make payment therefor unless registered under this Act.

No associa-
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5.—(1) Every application for registration shall be made in writing to the Superintendent and shall be accompanied,

Application
for regis-
tration.

- (a) by the prescribed fee;

- (b) by a certified copy of the Act or other instrument of incorporation of the association and of its constitution, by-laws and regulations;
- (c) by a copy of every contract or proposed contract with a hospital, physician and other person for the rendering of services to subscribers or members;
- (d) by a copy of every form of contract or proposed contract with subscribers or members;
- (e) by a certified list of rates charged or to be charged to subscribers or members together with details of the benefits which the association contracts to furnish to subscribers or members;
- (f) a copy of the balance sheet of the association and a statement of income and expenditures as of the close of its last fiscal year, certified by the president, or vice-president, and the managing director or some other principal officer of the association and reported on by its auditor;
- (g) by such other information or material as the Superintendent may require.

Registration
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granted by
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(2) The Superintendent shall grant registration to an association if he is satisfied,

- (a) that the applicant is established as a *bona fide* association;
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- (c) that the applicant has established and has such working capital and reserves as the Superintendent deems adequate; and
- (d) that the applicant has complied with the provisions of subsection 1.

Application
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tion.

6.—(1) Every application for renewal of registration shall be made in writing to the Superintendent on or before the 21st day of March in each year and shall be accompanied by the prescribed fee and such information and material as the Superintendent may require.

(2) The Superintendent shall grant renewal of registration to an association if he is satisfied, Renewal of registration.

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7. Every registration and renewal of registration shall lapse on the 31st day of March in each year. Termination and renewal of registration.

8. The Superintendent may suspend or cancel any registration upon any grounds which would justify refusal to grant registration or renewal of registration or where the association fails to comply with any provision of this Act. Suspension and cancellation.

9. The Superintendent may at the request of the association, evidenced as he may direct, cancel its registration. Cancellation by request of association.

10. Notwithstanding any decision of the Superintendent, a further application for registration or renewal of registration may be made upon new or other material or where it is clear that any material circumstance has changed. Further application for registration.

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19. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

20. This Act may be cited as *The Prepaid Hospital and Medical Services Act, 1950*. Short title.

BILL

An Act respecting Prepaid Hospital
and Medical Services.

1st Reading

March 13th, 1950

2nd Reading

March 20th, 1950

3rd Reading

March 27th, 1950

MR. PORTER

No. 106

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting Fair Employment Practices.

MR. BROWN

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The purpose of this Bill is to put an end to unfair employment practices and to foster proper relationships between employers and employees.

Administration is placed in the hands of a commission of five persons (section 10) who will be responsible for the enforcement of the Act.

No. 106

1950

BILL

An Act respecting Fair Employment Practices.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "Commission" means The Fair Employment Commission appointed under this Act;
- (b) "employer" means any employer, whether an individual, firm, partnership, association or corporation, who employs three or more individuals, and includes anyone acting for or on behalf of an employer, any employment agency and any municipal corporation;
- (c) "employment agency" includes any person, whether an individual, firm, partnership, association or corporation, undertaking with or without compensation to solicit, procure, refer or place employees for an employer;
- (d) "labour organization" includes any trade union or association of employees.

2. This Act shall not apply,

Where Act
not to apply.

- (a) to an exclusively social or fraternal or educational association or corporation if such association or corporation is not organized for private profit;
- (b) to a religious association or corporation or any association or corporation operated or controlled by a religious association or corporation, or operated primarily for the benefit of a particular religious or ethnic group; or
- (c) to domestic household service.

Right to
freedom
from
discrimina-
tion in
employment
established.

3. The right to freedom from discrimination in employment because of race, colour, creed, religion, ethnic or national origin or ancestry is hereby declared to be a civil right and privilege of every person in respect of his employment or prospect of employment in Ontario.

Employers
not to
discriminate.

4. No employer shall discriminate against any individual or group in respect of terms, conditions or privileges of employment, or discharge or refuse to employ any individual or group because of race, colour, creed, religion, ethnic or national origin or ancestry.

Applications,
etc., for
employment.

5. No employer or other person shall print, disseminate, circulate or use or cause to be printed, disseminated, circulated or used any statement, whether oral or in any other form, any advertisement or publication respecting employment or any form of application for employment which expresses, directly or indirectly, any limitation, specification or preference as to race, colour, creed, religion, ethnic or national origin or ancestry, or make any inquiry or record in connection with employment or application therefor as to race, colour, creed, religion, ethnic or national origin or ancestry.

Membership
in labour
organiza-
tions.

6. No labour organization shall exclude from full membership rights or expel or suspend any individual or member or group or discriminate against any individual or member or group or any employee because of race, colour, creed, religion, ethnic or national origin or ancestry.

No dis-
crimination
for opposi-
tion to
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practices.

7. No employer or labour organization shall discharge, expel, refuse to employ or otherwise discriminate against any individual because he has opposed any of the practices prohibited in this Act or because he has initiated or participated in any proceeding relating to a violation of this Act.

Aiding,
obstructing,
etc.

8. No person shall aid, abet, encourage or incite the commission of anything prohibited in this Act, or attempt to do so, or obstruct or attempt to prevent any other person from complying with the provisions of this Act.

Offences
and
penalties.

9.—(1) Every person who violates any of the provisions of this Act shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$200 for a first offence and not more than \$500 for a second or subsequent offence.

Disposition
of penalties.

(2) The penalties recovered for offences under this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund.

(3) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Commission as provided for in section 11. Consent.

(4) An information or complaint in respect of any violation of this Act may be for one or more offences and no information, complaint, warrant, conviction or other proceedings in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. Information may be in respect of one or more offences.

10.—(1) The Lieutenant-Governor in Council may appoint five persons as a commission to be known as “The Fair Employment Commission”, and may designate one of such persons as chairman. Fair Employment Commission.

(2) The members of the Commission shall serve without remuneration. No remuneration.

(3) A majority of the members shall constitute a quorum. Quorum.

(4) The Lieutenant-Governor in Council may appoint any person to fill any vacancy that occurs on the Commission. Vacancies.

(5) Such office accommodation, office supplies and clerical and other assistance as the Lieutenant-Governor in Council deems appropriate shall be furnished by the Department of Labour. Accommodation, etc.

(6) The Commission may, subject to the approval of the Lieutenant-Governor in Council, make such regulations as may be necessary to enable it to discharge its duties under this Act. Regulations.

(7) The Commission may delegate to any one of its members all or any part of its jurisdiction under this Act, and may revoke any such delegation. Delegation of powers.

11.—(1) Any person aggrieved by an alleged violation of any of the provisions of this Act may file a complaint in writing with the Commission, and the Commission may make an investigation into the alleged violation and may give the complainant consent in writing to prosecute. Procedure on complaints.

(2) The Commission may of its own motion make an investigation to determine whether there has been a violation of this Act, and may give any person consent in writing to prosecute. Idem.

(3) In any investigation under this section the Commission may exercise any of the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Investigatory powers of Commission.

Anti-discrimination programmes.

12. The Commission may co-operate with any organization in such activities as will in the opinion of the Commission aid in preventing or lessening racial or religious discrimination, and without derogating from the generality of the foregoing the Commission may co-operate with any organization in the study of problems of discrimination and foster through community effort or otherwise good-will, co-operation and conciliation between groups and elements of the population of the province and develop proposals and programmes of an educational nature designed to lessen or prevent racial or religious discrimination or prejudice.

Annual reports.

13.—(1) The Commission shall in each year on or before a date to be named by the Lieutenant-Governor in Council, make a report to the Lieutenant-Governor of its activities under this Act, during the previous year and such report shall contain such particulars as the Lieutenant-Governor in Council may prescribe.

Reports to be tabled in House.

(2) Every such report shall be laid forthwith before the Assembly if it is in session and if it is not, then within fifteen days after the opening of the next session.

Commencement of Act.

14. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

15. This Act may be cited as *The Fair Employment Practices Act, 1950*.

BILL

An Act respecting Fair Employment Practices.

1st Reading

March 14th, 1950

2nd Reading

3rd Reading

MR. BROWN

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Highway Traffic Act.

MR. DOUCETT

EXPLANATORY NOTES

SECTION 1. The definition is re-enacted so as to include as crosswalks, places marked for pedestrian crossing, whether at an intersection or not.

SECTION 2. Subsection 1a of section 12 at present requires mudguards or fenders on all motor vehicles and trailers. The amendment will exempt unfinished vehicles proceeding from the place of manufacture to the body building works from this requirement.

SECTION 3—Subsection 1. At present the overall length of a single vehicle may not exceed 33 feet and a combination of vehicles may not exceed 50 feet. The amendment will permit the operation of a semi-trailer with an overall length exceeding 33 feet provided that the overall length of the semi-trailer and the tractor by which it is hauled does not exceed 50 feet.

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *bb* of subsection 1 of section 1 of *The Highway Traffic Act*, as enacted by section 1 of *The Highway Traffic Amendment Act, 1942*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 288, s. 1,
subs. 1,
cl. *bb*
(1942,
c. 21, s. 1),
re-enacted.

(*bb*) "Crosswalk" shall mean,

"Crosswalk"

(i) that part of a highway at an intersection which is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the travelled portion of the highway, or

(ii) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface.

2. Section 12 of *The Highway Traffic Act*, as amended by section 4 of *The Highway Traffic Amendment Act, 1949*, is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 288, s. 12,
amended.

(1*b*) Subsection 1*a* shall not apply to motor vehicles or trailers in an unfinished condition while proceeding to a works for completion.

Exception.

3.—(1) Subsection 2 of section 17 of *The Highway Traffic Act*, as amended by section 4 of *The Highway Traffic Amendment Act, 1939* and subsection 1 of section 3 of *The Highway Traffic Amendment Act, 1940*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 288, s. 17,
subs. 2,
re-enacted.

Length of vehicle or combination of vehicles.

- (2) No vehicle, other than a public vehicle or a semi-trailer as defined in clause *b* of subsection 6 of section 36, including load or contents, shall exceed the length of thirty-three feet and no combination of vehicles, including load or contents, coupled together shall exceed the total length of fifty feet.

Rev. Stat., c. 288, s. 17, amended.

- (2) The said section 17, as amended by section 4 of *The Highway Traffic Amendment Act, 1939*, section 3 of *The Highway Traffic Amendment Act, 1940* and section 5 of *The Highway Traffic Amendment Act, 1949*, is further amended by adding thereto the following subsection:

Attachment of implements to farm tractors.

- (3a) No implement of husbandry shall be drawn by a farm tractor on a highway unless such implement has two separate means of attachment so constructed and attached that the failure of one such means will not permit the implement to become detached.

Rev. Stat., c. 288, s. 33, subs. 2, amended.

- 4.—(1) Subsection 2 of section 33 of *The Highway Traffic Act*, as amended by subsections 1, 2 and 3 of section 7 of *The Highway Traffic Amendment Act, 1941*, is further amended by adding thereto the following clause:

As to weight of two-axled semi-trailers.

- (cc) The gross weight of a semi-trailer with two axles so designed that under any loading conditions the weight on both axles remains constant shall not exceed twenty-eight thousand pounds.

Rev. Stat., c. 288, s. 33, subs. 2, cl. 2, amended.

- (2) Clause *d* of subsection 2 of the said section 33, as amended by subsection 3 of section 7 of *The Highway Traffic Amendment Act, 1941*, is further amended by striking out the word and letter "and *c*" in the second line and inserting in lieu thereof the word and letters "*c* and *cc*", so that the clause shall read as follows:

As to weight of other vehicles.

- (d) The gross weight of a vehicle other than those mentioned in clauses *a*, *b*, *c* and *cc* shall not exceed twenty-two thousand pounds and the weight upon one axle shall not exceed sixteen thousand pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed twelve thousand pounds.

Rev. Stat., c. 288, s. 39, subs. 2, cl. *ff* (1940, c. 9, s. 4, subs. 1), amended.

- 5.—(1) Clause *ff* of subsection 2 of section 39 of *The Highway Traffic Act*, as enacted by subsection 1 of section 4 of *The Highway Traffic Amendment Act, 1940*, is amended by adding thereto the following subclause:

- (iii) When a red signal-light with a green arrow is shown at an intersection, the driver or operator of

Subsection 2. Subsection 3 of section 17 requires trailers hauled by motor vehicles to have two separate means of attachment. Subsection 3a will require implements of husbandry drawn by farm tractors to have similar attachments.

SECTION 4. These amendments will permit the same gross weight on a combination of a two-axle tractor and a two-axle semi-trailer as is now permitted in respect of a combination of a three-axle tractor and a single axle semi-trailer.

SECTION 5—Subsection 1. The added subclause deals with a new type of light in signal-light systems the purpose of which is to authorize the making of turns when facing a red signal-light.

Subsection 2. This amendment will authorize the establishment of signal-lights for pedestrian crossings between blocks.

Subsection 3. Under subsection 4 of section 39 provision is made, where highways are divided into clearly-marked lanes, for designating certain lanes for slow-moving traffic or for traffic moving in a particular direction. The authority to so designate, heretofore restricted to the Minister or someone authorized by him, is extended to allow municipalities to so designate by by-law.

SECTION 6. Under subsection 1a of section 40 the Lieutenant-Governor in Council may make regulations respecting parking on provincial highways. The amendment gives power to make similar regulations on any highway within 300 feet from the intersection of such highway with the King's Highway.

a vehicle or a car of an electric railway which is approaching the intersection and facing such light may proceed with caution into the intersection only to make the movement indicated by such arrow, but shall yield the right-of-way to pedestrians and other traffic lawfully using the intersection; and a pedestrian facing such signal shall not enter the roadway unless he can do so safely and without interfering with vehicular traffic.

(2) Clause *h* of subsection 2 of the said section 39, as amended by section 8 of *The Highway Traffic Amendment Act, 1939*, is further amended by renumbering the present subclause ii as subclause iii, and by adding thereto the following subclause:

Rev. Stat.,
c. 288, s. 39,
subs. 2, cl. *h*,
amended.

- (ii) A signal-light traffic control system may be erected and maintained at a place other than an intersection, in which event the provisions of this section, except those which by their nature can have no application, shall be applicable, and any stop required shall be made at a sign or marking on the roadway indicating where the stop shall be made or, in the absence of any such sign or marking, at the signal.

(3) Subsection 6 of the said section 39 is amended by adding at the end thereof the words "or designated by by-law of a municipality, approved by the Minister", so that the subsection shall read as follows:

Rev. Stat.,
c. 288, s. 39,
subs. 6,
amended.

- (6) For the purposes of subsections 4 and 5 "designated" shall mean designated by the Minister or by any person authorized by him to make such designation or designated by by-law of a municipality, approved by the Minister.
- "Designated", —
meaning of,
in subss. 4
and 5.

6. Subsection 1a of section 40 of *The Highway Traffic Act*, as enacted by subsection 1 of section 10 of *The Highway Traffic Amendment Act, 1947*, is amended by striking out the words "a provincial highway" in the third line and inserting in lieu thereof the words "the King's Highway, and upon any other highway within a distance of three hundred feet from the intersection of such highway with the King's Highway", so that the subsection shall read as follows:

Rev. Stat.,
c. 288, s. 40,
subs. 1a
(1947,
c. 45, s. 10,
subs. 1),
amended.

- (1a) The Lieutenant-Governor in Council may make regulations prohibiting or regulating the parking of vehicles upon the King's Highway, and upon any other highway within a distance of three hundred feet from the intersection of such highway with the King's Highway.
- Parking on
the King's
Highway.

Rev. Stat.,
c. 288, s. 51,
cls. a, b, c
(1941,
c. 22, s. 13),
re-enacted.

7. Clauses *a, b* and *c* of section 51 of *The Highway Traffic Act*, as re-enacted by section 13 of *The Highway Traffic Amendment Act, 1941*, are repealed and the following substituted therefor:

- (a) upon the first offence, three months, but where injury to, or the death of any person or damage to property occurred in connection with the offence, six months;
- (b) upon the second offence, six months, but where injury to, or the death of any person or damage to property occurred in connection with the offence, one year;
- (c) upon the third or any subsequent offence, one year, but where injury to, or the death of any person or damage to property occurred in connection with the offence, two years.

Rev. Stat.,
c. 288, s. 55,
subs. 4,
amended.

8. Subsection 4 of section 55 of *The Highway Traffic Act* is amended by inserting after the word "Act" in the fifth line the words "or under the *Criminal Code*", so that the subsection shall read as follows:

Detaining
vehicle
when arrest
is made.

- (4) A constable or officer appointed for carrying out the provisions of this Act, making an arrest without warrant, may detain the motor vehicle with which the offence was committed until the final disposition of any prosecution under this Act or under the *Criminal Code*, but such motor vehicle may be released on security for its production being given to the satisfaction of a justice of the peace or a magistrate.

Rev. Stat.,
c. 288, s. 56,
subs. 3,
amended.

9. Subsection 3 of section 56 of *The Highway Traffic Act* is amended by inserting after the word "convicted" in the first line the words "or the owner", so that the subsection shall read as follows:

Release of
vehicle on
security
given by
owner.

- (3) If the person so convicted or the owner gives sufficient security to the convicting magistrate or justice of the peace, by bond, recognizance, or otherwise, that such motor vehicle shall not be operated upon any highway during such period of three months, the same may be delivered to the person so convicted or the owner thereof, and if such motor vehicle is operated upon a highway during such period, it shall be deemed to be operated without a permit.

SECTION 7. The effect of the amendment is to double the period for which the license and permit of a person convicted of drunken driving is suspended in cases where death, personal injury or property damage occurred in connection with the offence.

SECTION 8. Under subsection 4 of section 55 a person making an arrest without warrant under the Act may detain the motor vehicle with which the offence was committed until the final disposition of any prosecution under *The Highway Traffic Act*. The amendment authorizes the detention of motor vehicles when the charge is laid under the *Criminal Code*.

SECTION 9. Under subsection 3 of section 56 the magistrate may release an impounded vehicle upon the giving of security by the convicted person. The amendment will also permit the release of the vehicle on the giving of security by the owner of the vehicle.

SECTION 10. The new section 67*a* resolves any doubts that the consequences of suspension of permits and licenses follow whether or not the person is the holder of a permit or license.

The new section 67*b* postpones the operation of sections 51 and 56, under the circumstances set out in clauses *a* and *b* where an appeal is made against the conviction.

SECTION 11. The amendment provides that action by a judgment creditor to obtain payment from the Unsatisfied Judgment Fund can be taken only where the accident occurred in Ontario.

SECTION 12. Under section 60 of the Act an action in respect of a motor vehicle accident must be brought within one year. Cases have arisen where the plaintiff has commenced his action against the person whom he thought was the owner or driver of the vehicle and upon the action he has been unable to prove the ownership or the identity of the driver. In some such cases the one-year period has elapsed before the dismissal of the action. The effect of the amendment is to allow a further period of three months from the dismissal of the action within which to bring action under section 93*e*.

10. *The Highway Traffic Act* is amended by adding thereto the following sections: Rev. Stat.,
c. 288,
amended.

67a. Where by or under the provisions of this Act, a person whose permit or license is suspended and the person to whom the suspension applies is not the holder of a permit or license, as the case may be, such person shall be deemed for all the purposes of this Act to be a person whose permit or license, as the case may be, has been suspended. Where
person
whose per-
mit or
license
suspended
does not
hold permit
or license.

67b. If a person to whom the provisions of section 51 or 56 apply enters an appeal against his conviction and there is filed,— Suspension
of license
and permit
and im-
pounding of
vehicle
where
appeal.

(a) with the convicting magistrate sufficient security for the production of the motor vehicle if the appeal should fail; and

(b) proof of financial responsibility under section 78,

the provisions of section 51 or 56 shall not apply unless the conviction is sustained on appeal.

11. Subsection 1 of section 93b of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947* and amended by subsection 1 of section 5 of *The Highway Traffic Amendment Act, 1948*, is further amended by inserting after the word "occasioned" in the fourth line the words "in Ontario", so that the subsection shall read as follows: Rev. Stat.,
c. 288, s. 93b,
subs. 1
(1947,
c. 45, s. 16,
subs. 1),
amended.

(1) Subject to section 93bb, where any person recovers in any court in Ontario a judgment for damages on account of injury to, or the death of any person or damage to property occasioned in Ontario by a motor vehicle owned or operated by the judgment debtor within Ontario, upon the determination of all proceedings including appeals and upon notice to the Minister, such judgment creditor may apply by way of originating notice to a judge of the Supreme Court for an order directing payment of the amount of the judgment or the unsatisfied portion thereof out of the Fund. Order
directing
payment of
amount of
judgment.

12. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat.,
c. 288,
amended.

93ee.—(1) Where an action in respect of the death of or personal injury to any person occasioned in Ontario Exception to
section 60.

by a motor vehicle has been dismissed and the judge in dismissing such action has stated in writing that such death or personal injury was occasioned by a motor vehicle,—

- (a) the identity of which and of the owner and driver of which has not been established; or
- (b) at a time when such motor vehicle was without the consent of the owner in the possession of some person other than the owner or his chauffeur and the identity of the driver has not been established,

the provisions of section 93e shall be available for a period of three months from the date of such dismissal, notwithstanding the provisions of section 60.

Proof
required.

- (2) Where, pursuant to subsection 1, an application is made under section 93e, the applicant shall not, by reason of subsection 1, be relieved of establishing proof of any of the matters set out in subsection 2 of section 93e.

Commence-
ment of Act.

13.—(1) This Act, except subsection 2 of section 3, shall come into force on the day it receives the Royal Assent.

Idem.

(2) Subsection 2 of section 3 shall come into force on the 1st day of June, 1950.

Short title.

14. This Act may be cited as *The Highway Traffic Amendment Act, 1950*.

BILL

An Act to amend
The Highway Traffic Act.

1st Reading

March 14th, 1950

2nd Reading

3rd Reading

MR. DOUCETT

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Highway Traffic Act.

MR. DOUCETT

(Reprinted as amended in Committee of the Whole House.)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The definition is re-enacted so as to include as crosswalks, places marked for pedestrian crossing, whether at an intersection or not.

SECTION 2. Subsection 1a of section 12 at present requires mudguards or fenders on all motor vehicles and trailers. The amendment will exempt unfinished vehicles proceeding from the place of manufacture to the body building works from this requirement.

SECTION 3. At present the overall length of a single vehicle may not exceed 33 feet and a combination of vehicles may not exceed 50 feet. The amendment will permit the operation of a semi-trailer with an overall length exceeding 33 feet provided that the overall length of the semi-trailer and the tractor by which it is hauled does not exceed 50 feet.

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *bb* of subsection 1 of section 1 of *The Highway Traffic Act*, as enacted by section 1 of *The Highway Traffic Amendment Act, 1942*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 288, s. 1,
subs. 1,
cl. *bb*
(1942,
c. 21, s. 1),
re-enacted.

(*bb*) "Crosswalk" shall mean,

"Crosswalk"

(i) that part of a highway at an intersection which is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the travelled portion of the highway, or

(ii) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface.

2. Section 12 of *The Highway Traffic Act*, as amended by section 4 of *The Highway Traffic Amendment Act, 1949*, is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 288, s. 12,
amended.

(1*b*) Subsection 1*a* shall not apply to motor vehicles or trailers in an unfinished condition while proceeding to a works for completion.

Exception.

3. Subsection 2 of section 17 of *The Highway Traffic Act*, as amended by section 4 of *The Highway Traffic Amendment Act, 1939* and subsection 1 of section 3 of *The Highway Traffic Amendment Act, 1940*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 288, s. 17,
subs. 2,
re-enacted.

Length of
vehicle or
combination
of vehicles.

- (2) No vehicle, other than a public vehicle or a semi-trailer as defined in clause *b* of subsection 6 of section 36, including load or contents, shall exceed the length of thirty-three feet and no combination of vehicles, including load or contents, coupled together shall exceed the total length of fifty feet.

Rev. Stat.,
c. 288, s. 33,
subs. 2,
amended.

4.—(1) Subsection 2 of section 33 of *The Highway Traffic Act*, as amended by subsections 1, 2 and 3 of section 7 of *The Highway Traffic Amendment Act, 1941*, is further amended by adding thereto the following clause:

As to weight
of two-axled
semi-trailers.



- (cc) The gross weight of a semi-trailer with two axles so designed that under any loading conditions the weight on both axles remains constant shall not exceed twenty-eight thousand pounds.

Rev. Stat.,
c. 288, s. 33,
subs. 2, cl. *d*,
amended.

(2) Clause *d* of subsection 2 of the said section 33, as amended by subsection 3 of section 7 of *The Highway Traffic Amendment Act, 1941*, is further amended by striking out the word and letter "and *c*" in the second line and inserting in lieu thereof the word and letters "*c* and *cc*", so that the clause shall read as follows:

As to weight
of other
vehicles.

- (d) The gross weight of a vehicle other than those mentioned in clauses *a*, *b*, *c* and *cc* shall not exceed twenty-two thousand pounds and the weight upon one axle shall not exceed sixteen thousand pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed twelve thousand pounds.

Rev. Stat.,
c. 288, s. 39,
subs. 2, cl. *ff*,
(1940, c. 9,
s. 4, subs. 1),
amended.

5.—(1) Clause *ff* of subsection 2 of section 39 of *The Highway Traffic Act*, as enacted by subsection 1 of section 4 of *The Highway Traffic Amendment Act, 1940*, is amended by adding thereto the following subclause:

- (iii) When a red signal-light with a green arrow is shown at an intersection, the driver or operator of a vehicle or a car of an electric railway which is approaching the intersection and facing such light may proceed with caution into the intersection only to make the movement indicated by such arrow, but shall yield the right-of-way to pedestrians and other traffic lawfully using the intersection; and a pedestrian facing such signal shall not enter the roadway unless he can do so safely and without interfering with vehicular traffic.

Rev. Stat.,
c. 288, s. 39,
subs. 2, cl. *h*,
amended.

(2) Clause *h* of subsection 2 of the said section 39, as amended by section 8 of *The Highway Traffic Amendment Act, 1939*, is further amended by renumbering the present

SECTION 4. These amendments will permit the same gross weight on a combination of a two-axle tractor and a two-axle semi-trailer as is now permitted in respect of a combination of a three-axle tractor and a single axle semi-trailer.

SECTION 5—Subsection 1. The added subclause deals with a new type of light in signal-light systems the purpose of which is to authorize the making of turns when facing a red signal-light.

Subsection 2. This amendment will authorize the establishment of signal-lights for pedestrian crossings between blocks.

Subsection 3. Under subsection 4 of section 39 provision is made, where highways are divided into clearly-marked lanes, for designating certain lanes for slow-moving traffic or for traffic moving in a particular direction. The authority to so designate, heretofore restricted to the Minister or someone authorized by him, is extended to allow municipalities to so designate by by-law.

SECTION 6. Under subsection 1a of section 40 the Lieutenant-Governor in Council may make regulations respecting parking on provincial highways. The amendment gives power to make similar regulations on any highway within 300 feet from the intersection of such highway with the King's Highway.

SECTION 7. The effect of the amendment is to double the period for which the license and permit of a person convicted of drunken driving is suspended in cases where death, personal injury or property damage occurred in connection with the offence.

subclause ii as subclause iii, and by adding thereto the following subclause:

- (ii) A signal-light traffic control system may be erected and maintained at a place other than an intersection, in which event the provisions of this section, except those which by their nature can have no application, shall be applicable, and any stop required shall be made at a sign or marking on the roadway indicating where the stop shall be made or, in the absence of any such sign or marking, at the signal.

(3) Subsection 6 of the said section 39 is amended by adding at the end thereof the words "or designated by by-law of a municipality, approved by the Department", so that the subsection shall read as follows: Rev. Stat., c. 288, s. 39, subs. 6, amended.

- (6) For the purposes of subsections 4 and 5 "designated" shall mean designated by the Minister or by any person authorized by him to make such designation or designated by by-law of a municipality, approved by the Department. "Designated", — meaning of, in subss. 4 and 5.

6. Subsection 1a of section 40 of *The Highway Traffic Act*, as enacted by subsection 1 of section 10 of *The Highway Traffic Amendment Act, 1947*, is amended by striking out the words "a provincial highway" in the third line and inserting in lieu thereof the words "the King's Highway, and upon any other highway within a distance of three hundred feet from the intersection of such highway with the King's Highway", so that the subsection shall read as follows: Rev. Stat., c. 288, s. 40, subs. 1a (1947, c. 45, s. 10, subs. 1), amended.

- (1a) The Lieutenant-Governor in Council may make regulations prohibiting or regulating the parking of vehicles upon the King's Highway, and upon any other highway within a distance of three hundred feet from the intersection of such highway with the King's Highway. Parking on the King's Highway.

7. Clauses a, b and c of section 51 of *The Highway Traffic Act*, as re-enacted by section 13 of *The Highway Traffic Amendment Act, 1941*, are repealed and the following substituted therefor: Rev. Stat., c. 288, s. 51, cls. a, b, c (1941, c. 22, s. 13), re-enacted.

- (a) upon the first offence, three months, but where injury to, or the death of any person or damage to property occurred in connection with the offence, six months;
- (b) upon the second offence, six months, but where injury to, or the death of any person or damage to property occurred in connection with the offence, one year;

- (c) upon the third or any subsequent offence, one year, but where injury to, or the death of any person or damage to property occurred in connection with the offence, two years.

Rev. Stat.,
c. 288, s. 55,
subs. 4,
amended.

8. Subsection 4 of section 55 of *The Highway Traffic Act* is amended by inserting after the word "Act" in the fifth line the words "or under the *Criminal Code*", so that the subsection shall read as follows:

Detaining
vehicle
when arrest
is made.

- (4) A constable or officer appointed for carrying out the provisions of this Act, making an arrest without warrant, may detain the motor vehicle with which the offence was committed until the final disposition of any prosecution under this Act or under the *Criminal Code*, but such motor vehicle may be released on security for its production being given to the satisfaction of a justice of the peace or a magistrate.

Rev. Stat.,
c. 288, s. 56,
subs. 3,
amended.

9. Subsection 3 of section 56 of *The Highway Traffic Act* is amended by inserting after the word "convicted" in the first line the words "or the owner", so that the subsection shall read as follows:

Release of
vehicle on
security
given by
owner.

- (3) If the person so convicted or the owner gives sufficient security to the convicting magistrate or justice of the peace, by bond, recognizance, or otherwise, that such motor vehicle shall not be operated upon any highway during such period of three months, the same may be delivered to the person so convicted or the owner thereof, and if such motor vehicle is operated upon a highway during such period, it shall be deemed to be operated without a permit.

Rev. Stat.,
c. 288,
amended.

10. *The Highway Traffic Act* is amended by adding thereto the following sections:

Where
person
whose per-
mit or
license
suspended
does not
hold permit
or license.

- 67a. Where by or under the provisions of this Act, a permit or license is suspended and the person to whom the suspension applies is not the holder of a permit or license, as the case may be, such person shall be deemed for all the purposes of this Act to be a person whose permit or license, as the case may be, has been suspended.

Suspension
of license
and permit
and im-
pounding of
vehicle
where
appeal.

- 67b. If a person to whom the provisions of section 51 or 56 apply enters an appeal against his conviction and there is filed,—

SECTION 8. Under subsection 4 of section 55 a person making an arrest without warrant under the Act may detain the motor vehicle with which the offence was committed until the final disposition of any prosecution under *The Highway Traffic Act*. The amendment authorizes the detention of motor vehicles when the charge is laid under the *Criminal Code*.

SECTION 9. Under subsection 3 of section 56 the magistrate may release an impounded vehicle upon the giving of security by the convicted person. The amendment will also permit the release of the vehicle on the giving of security by the owner of the vehicle.

SECTION 10. The new section 67*a* resolves any doubts that the consequences of suspension of permits and licenses follow whether or not the person is the holder of a permit or license.

The new section 67*b* postpones the operation of sections 51 and 56, under the circumstances set out in clauses *a* and *b* where an appeal is made against the conviction.

SECTION 11. The amendment provides that action by a judgment creditor to obtain payment from the Unsatisfied Judgment Fund can be taken only where the accident occurred in Ontario.

SECTION 12. Under section 60 of the Act an action in respect of a motor vehicle accident must be brought within one year. Cases have arisen where the plaintiff has commenced his action against the person whom he thought was the owner or driver of the vehicle and upon the action he has been unable to prove the ownership or the identity of the driver. In some such cases the one-year period has elapsed before the dismissal of the action. The effect of the amendment is to allow a further period of three months from the dismissal of the action within which to bring action under section 93e.

- (a) with the convicting magistrate sufficient security for the production of the motor vehicle if the appeal should fail; and
- (b) proof of financial responsibility under section 78,

the provisions of section 51 or 56 shall not apply unless the conviction is sustained on appeal.

11. Subsection 1 of section 93*b* of *The Highway Traffic Act*, Rev. Stat., c. 288, s. 93*b*, subs. 1 as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947* and amended by subsection 1 of (1947, c. 45, s. 16, subs. 1), section 5 of *The Highway Traffic Amendment Act, 1948*, is amended further amended by inserting after the word "occasioned" in the fourth line the words "in Ontario", so that the subsection shall read as follows:

- (1) Subject to section 93*bb*, where any person recovers Order directing payment of amount of judgment. in any court in Ontario a judgment for damages on account of injury to, or the death of any person or damage to property occasioned in Ontario by a motor vehicle owned or operated by the judgment debtor within Ontario, upon the determination of all proceedings including appeals and upon notice to the Minister, such judgment creditor may apply by way of originating notice to a judge of the Supreme Court for an order directing payment of the amount of the judgment or the unsatisfied portion thereof out of the Fund.

12. *The Highway Traffic Act* is amended by adding Rev. Stat., c. 288, amended. thereto the following section:

93*ee*.—(1) Where an action in respect of the death of or Exception to section 60. personal injury to any person occasioned in Ontario by a motor vehicle has been dismissed and the judge in dismissing such action has stated in writing that such death or personal injury was occasioned by a motor vehicle,—

- (a) the identity of which and of the owner and driver of which has not been established; or
- (b) at a time when such motor vehicle was without the consent of the owner in the possession of some person other than the owner or his chauffeur and the identity of the driver has not been established,

the provisions of section 93*e* shall be available for a period of three months from the date of such dismissal, notwithstanding the provisions of section 60.

Proof
required.

- (2) Where, pursuant to subsection 1, an application is made under section 93*e*, the applicant shall not, by reason of subsection 1, be relieved of establishing proof of any of the matters set out in subsection 2 of section 93*e*.

Commence-
ment of Act.

13. This Act shall come into force on the day it receives the Royal Assent.

Short title.

14. This Act may be cited as *The Highway Traffic Amendment Act, 1950*.

BILL

An Act to amend
The Highway Traffic Act.

1st Reading

March 14th, 1950

2nd Reading

March 22nd, 1950

3rd Reading

MR. DOUCETT

*(Reprinted as amended in Committee of the
Whole House.)*

No. 107

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Highway Traffic Act.

MR. DOUCETT

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *bb* of subsection 1 of section 1 of *The Highway Traffic Act*, as enacted by section 1 of *The Highway Traffic Amendment Act, 1942*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 288, s. 1,
subs. 1,
cl. *bb*
(1942,
c. 21, s. 1),
re-enacted.

(*bb*) "Crosswalk" shall mean,

"Crosswalk"

- (i) that part of a highway at an intersection which is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the travelled portion of the highway, or
- (ii) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface.

2. Section 12 of *The Highway Traffic Act*, as amended by section 4 of *The Highway Traffic Amendment Act, 1949*, is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 288, s. 12,
amended.

- (1*b*) Subsection 1*a* shall not apply to motor vehicles or trailers in an unfinished condition while proceeding to a works for completion.

Exception.

3. Subsection 2 of section 17 of *The Highway Traffic Act*, as amended by section 4 of *The Highway Traffic Amendment Act, 1939* and subsection 1 of section 3 of *The Highway Traffic Amendment Act, 1940*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 288, s. 17,
subs. 2,
re-enacted.

Length of
vehicle or
combination
of vehicles.

- (2) No vehicle, other than a public vehicle or a semi-trailer as defined in clause *b* of subsection 6 of section 36, including load or contents, shall exceed the length of thirty-three feet and no combination of vehicles, including load or contents, coupled together shall exceed the total length of fifty feet.

Rev. Stat.,
c. 288, s. 33,
subs. 2,
amended.

- 4.—(1) Subsection 2 of section 33 of *The Highway Traffic Act*, as amended by subsections 1, 2 and 3 of section 7 of *The Highway Traffic Amendment Act, 1941*, is further amended by adding thereto the following clause:

As to weight
of two-axled
semi-trailers.

- (cc) The gross weight of a semi-trailer with two axles so designed that under any loading conditions the weight on both axles remains constant shall not exceed twenty-eight thousand pounds.

Rev. Stat.,
c. 288, s. 33,
subs. 2, cl. *d*,
amended.

- (2) Clause *d* of subsection 2 of the said section 33, as amended by subsection 3 of section 7 of *The Highway Traffic Amendment Act, 1941*, is further amended by striking out the word and letter "and *c*" in the second line and inserting in lieu thereof the word and letters "*c* and *cc*", so that the clause shall read as follows:

As to weight
of other
vehicles.

- (d) The gross weight of a vehicle other than those mentioned in clauses *a*, *b*, *c* and *cc* shall not exceed twenty-two thousand pounds and the weight upon one axle shall not exceed sixteen thousand pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed twelve thousand pounds.

Rev. Stat.,
c. 288, s. 39,
subs. 2, cl. *ff*
(1940, c. 9,
s. 4, subs. 1),
amended.

- 5.—(1) Clause *ff* of subsection 2 of section 39 of *The Highway Traffic Act*, as enacted by subsection 1 of section 4 of *The Highway Traffic Amendment Act, 1940*, is amended by adding thereto the following subclause:

- (iii) When a red signal-light with a green arrow is shown at an intersection, the driver or operator of a vehicle or a car of an electric railway which is approaching the intersection and facing such light may proceed with caution into the intersection only to make the movement indicated by such arrow, but shall yield the right-of-way to pedestrians and other traffic lawfully using the intersection; and a pedestrian facing such signal shall not enter the roadway unless he can do so safely and without interfering with vehicular traffic.

Rev. Stat.,
c. 288, s. 39,
subs. 2, cl. *h*,
amended.

- (2) Clause *h* of subsection 2 of the said section 39, as amended by section 8 of *The Highway Traffic Amendment Act, 1939*, is further amended by renumbering the present

subclause ii as subclause iii, and by adding thereto the following subclause:

- (ii) A signal-light traffic control system may be erected and maintained at a place other than an intersection, in which event the provisions of this section, except those which by their nature can have no application, shall be applicable, and any stop required shall be made at a sign or marking on the roadway indicating where the stop shall be made or, in the absence of any such sign or marking, at the signal.

(3) Subsection 6 of the said section 39 is amended by adding at the end thereof the words "or designated by by-law of a municipality, approved by the Department", so that the subsection shall read as follows: Rev. Stat.,
c. 288, s. 39,
subs. 6,
amended.

- (6) For the purposes of subsections 4 and 5 "designated" shall mean designated by the Minister or by any person authorized by him to make such designation or designated by by-law of a municipality, approved by the Department. "Designated", —
meaning of,
in subss. 4
and 5.

6. Subsection 1a of section 40 of *The Highway Traffic Act*, as enacted by subsection 1 of section 10 of *The Highway Traffic Amendment Act, 1947*, is amended by striking out the words "a provincial highway" in the third line and inserting in lieu thereof the words "the King's Highway, and upon any other highway within a distance of three hundred feet from the intersection of such highway with the King's Highway", so that the subsection shall read as follows: Rev. Stat.,
c. 288, s. 40,
subs. 1a
(1947,
c. 45, s. 10,
subs. 1),
amended.

- (1a) The Lieutenant-Governor in Council may make regulations prohibiting or regulating the parking of vehicles upon the King's Highway, and upon any other highway within a distance of three hundred feet from the intersection of such highway with the King's Highway. Parking on
the King's
Highway.

7. Clauses *a*, *b* and *c* of section 51 of *The Highway Traffic Act*, as re-enacted by section 13 of *The Highway Traffic Amendment Act, 1941*, are repealed and the following substituted therefor: Rev. Stat.,
c. 288, s. 51,
cls. a, b, c
(1941,
c. 22, s. 13),
re-enacted.

- (a) upon the first offence, three months, but where injury to, or the death of any person or damage to property occurred in connection with the offence, six months;
- (b) upon the second offence, six months, but where injury to, or the death of any person or damage to property occurred in connection with the offence, one year;

- (c) upon the third or any subsequent offence, one year, but where injury to, or the death of any person or damage to property occurred in connection with the offence, two years.

Rev. Stat.,
c. 288, s. 55,
subs. 4,
amended.

8. Subsection 4 of section 55 of *The Highway Traffic Act* is amended by inserting after the word "Act" in the fifth line the words "or under the *Criminal Code*", so that the subsection shall read as follows:

Detaining
vehicle
when arrest
is made.

- (4) A constable or officer appointed for carrying out the provisions of this Act, making an arrest without warrant, may detain the motor vehicle with which the offence was committed until the final disposition of any prosecution under this Act or under the *Criminal Code*, but such motor vehicle may be released on security for its production being given to the satisfaction of a justice of the peace or a magistrate.

Rev. Stat.,
c. 288, s. 56,
subs. 3,
amended.

9. Subsection 3 of section 56 of *The Highway Traffic Act* is amended by inserting after the word "convicted" in the first line the words "or the owner", so that the subsection shall read as follows:

Release of
vehicle on
security
given by
owner.

- (3) If the person so convicted or the owner gives sufficient security to the convicting magistrate or justice of the peace, by bond, recognizance, or otherwise, that such motor vehicle shall not be operated upon any highway during such period of three months, the same may be delivered to the person so convicted or the owner thereof, and if such motor vehicle is operated upon a highway during such period, it shall be deemed to be operated without a permit.

Rev. Stat.,
c. 288,
amended.

10. *The Highway Traffic Act* is amended by adding thereto the following sections:

Where
person
whose per-
mit or
license
suspended
does not
hold permit
or license.

- 67a. Where by or under the provisions of this Act, a permit or license is suspended and the person to whom the suspension applies is not the holder of a permit or license, as the case may be, such person shall be deemed for all the purposes of this Act to be a person whose permit or license, as the case may be, has been suspended.

Suspension
of license
and permit
and im-
pounding of
vehicle
where
appeal.

- 67b. If a person to whom the provisions of section 51 or 56 apply enters an appeal against his conviction and there is filed,—

(a) with the convicting magistrate sufficient security for the production of the motor vehicle if the appeal should fail; and

(b) proof of financial responsibility under section 78,

the provisions of section 51 or 56 shall not apply unless the conviction is sustained on appeal.

11. Subsection 1 of section 93b of *The Highway Traffic Act*, Rev. Stat., c. 288, s. 93b, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947* and amended by subsection 1 of section 5 of *The Highway Traffic Amendment Act, 1948*, is further amended by inserting after the word "occasioned" in the fourth line the words "in Ontario", so that the subsection shall read as follows:

- (1) Subject to section 93bb, where any person recovers in any court in Ontario a judgment for damages on account of injury to, or the death of any person or damage to property occasioned in Ontario by a motor vehicle owned or operated by the judgment debtor within Ontario, upon the determination of all proceedings including appeals and upon notice to the Minister, such judgment creditor may apply by way of originating notice to a judge of the Supreme Court for an order directing payment of the amount of the judgment or the unsatisfied portion thereof out of the Fund.

12. *The Highway Traffic Act* is amended by adding thereto the following section:

93ee.—(1) Where an action in respect of the death of or personal injury to any person occasioned in Ontario by a motor vehicle has been dismissed and the judge in dismissing such action has stated in writing that such death or personal injury was occasioned by a motor vehicle,—

(a) the identity of which and of the owner and driver of which has not been established; or

(b) at a time when such motor vehicle was without the consent of the owner in the possession of some person other than the owner or his chauffeur and the identity of the driver has not been established,

the provisions of section 93*e* shall be available for a period of three months from the date of such dismissal, notwithstanding the provisions of section 60.

Proof
required.

- (2) Where, pursuant to subsection 1, an application is made under section 93*e*, the applicant shall not, by reason of subsection 1, be relieved of establishing proof of any of the matters set out in subsection 2 of section 93*e*.

Commence-
ment of Act.

- 13.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

- 14.** This Act may be cited as *The Highway Traffic Amendment Act, 1950*.

BILL

An Act to amend
The Highway Traffic Act.

1st Reading

March 14th, 1950

2nd Reading

March 22nd, 1950

3rd Reading

March 24th, 1950

MR. DOUCETT

No. 108

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Pharmacy Act.

MR. GOODFELLOW

EXPLANATORY NOTE

The purpose of the Bill is to improve the training of candidates for registration under *The Pharmacy Act* by recognizing a four-year academic course in pharmacy for the purpose of registration of pharmaceutical chemists (druggists) under the Act.

BILL

An Act to amend The Pharmacy Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of subsection 1 of section 13 of *The Pharmacy Act* is repealed and the following substituted therefor: Rev. Stat., c. 228, s. 13, subs. 1, cl. *b*, re-enacted.

- (*b*) any person of the full age of twenty-one years registered as an apprentice on or after the 23rd day of March, 1889, who furnishes to the Council satisfactory evidence of having so served as an apprentice for such term as may be prescribed by the regulations made under section 16*a* and who has completed the courses of studies prescribed by such regulations.

(2) Subsection 2 of the said section 13 is repealed.

Rev. Stat., c. 228, s. 13, subs. 2, repealed.

2. Section 16 of *The Pharmacy Act* is repealed and the following substituted therefor:

Rev. Stat., c. 228, s. 16, re-enacted.

16. Notwithstanding the other provisions of this Act, any person,— Who may be entered on register.

(*a*) who,

(i) has been granted the degree of Bachelor of Science in Pharmacy by the University of Toronto, or such other degree by such other university or other institution of learning as may be prescribed by the regulations made under section 16*a*, or

(ii) who has completed such courses of studies and has passed such examinations as may be prescribed by the regulations made under section 16*a*; and

(b) who has served as an apprentice for such length of term and in accordance with such terms and conditions as may be prescribed by the regulations made under section 16a; and

(c) who has paid the sum required to be paid under clause *a* of subsection 1 of section 20,

shall be entered upon the register and shall become a member of the College.

Regulations.

16a. The Council, with the approval of the Lieutenant-Governor in Council, may make regulations,—

- (a) prescribing the qualifications of apprentices and the length of term and the terms and conditions of apprenticeship;
- (b) providing for the registration of apprentices with the Council;
- (c) prescribing the qualifications of, and the courses of studies to be completed by candidates for certificates of competency and candidates for registration under this Act;
- (d) designating the universities or other institutions of learning at which the courses of studies may be undertaken and degrees may be obtained under this Act;
- (e) prescribing the examinations to be passed and the degrees to be obtained by candidates for registration.

Commence-
ment of Act.

3. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

4. This Act may be cited as *The Pharmacy Amendment Act, 1950*.

An Act to amend The Pharmacy Act.

1st Reading

March 15th, 1950

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 108

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Pharmacy Act.

MR. GOODFELLOW

BILL

An Act to amend The Pharmacy Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of subsection 1 of section 13 of *The Pharmacy Act* is repealed and the following substituted therefor: Rev. Stat., c. 228, s. 13, subs. 1, cl. *b*, re-enacted.

(*b*) any person of the full age of twenty-one years registered as an apprentice on or after the 23rd day of March, 1889, who furnishes to the Council satisfactory evidence of having so served as an apprentice for such term as may be prescribed by the regulations made under section 16*a* and who has completed the courses of studies prescribed by such regulations.

(2) Subsection 2 of the said section 13 is repealed.

Rev. Stat., c. 228, s. 13, subs. 2, repealed.

2. Section 16 of *The Pharmacy Act* is repealed and the following substituted therefor: Rev. Stat., c. 228, s. 16, re-enacted.

16. Notwithstanding the other provisions of this Act, any person,— Who may be entered on register.

(*a*) who,

(i) has been granted the degree of Bachelor of Science in Pharmacy by the University of Toronto, or such other degree by such other university or other institution of learning as may be prescribed by the regulations made under section 16*a*, or

(ii) who has completed such courses of studies and has passed such examinations as may be prescribed by the regulations made under section 16*a*; and

(b) who has served as an apprentice for such length of term and in accordance with such terms and conditions as may be prescribed by the regulations made under section 16a; and

(c) who has paid the sum required to be paid under clause a of subsection 1 of section 20,

shall be entered upon the register and shall become a member of the College.

Regulations.

16a. The Council, with the approval of the Lieutenant-Governor in Council, may make regulations,—

- (a) prescribing the qualifications of apprentices and the length of term and the terms and conditions of apprenticeship;
- (b) providing for the registration of apprentices with the Council;
- (c) prescribing the qualifications of, and the courses of studies to be completed by candidates for certificates of competency and candidates for registration under this Act;
- (d) designating the universities or other institutions of learning at which the courses of studies may be undertaken and degrees may be obtained under this Act;
- (e) prescribing the examinations to be passed and the degrees to be obtained by candidates for registration.

Commence-
ment of Act.

3. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

4. This Act may be cited as *The Pharmacy Amendment Act, 1950*.

BILL

An Act to amend The Pharmacy Act.

1st Reading

March 15th, 1950

2nd Reading

March 24th, 1950

3rd Reading

March 29th, 1950

MR. GOODFELLOW

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Drugless Practitioners Act.

MR. GOODFELLOW

EXPLANATORY NOTE

The clauses are re-enacted to clarify the authority for regulations with regard to examination and registration of drugless practitioners, and for the employment of persons and services by the Board of Regents and for the payment of expenses of members of the Board and for the investment of the surplus revenue of the Board.

BILL

An Act to amend The Drugless Practitioners Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *a*, *c* and *i* of section 3 of *The Drugless Practitioners Act* are repealed and the following substituted therefor: Rev. Stat., c. 229, s. 13, cls. *a*, *c*, *i*, re-enacted.

(a) for the examination and admission of drugless practitioners to practise in Ontario and for the registration of persons so admitted and prescribing the fees to be paid on examination and registration;

.

(c) for maintaining a register of persons admitted to practise and providing for the annual renewal of registration and prescribing the fee therefor;

.

(i) providing for the employment by the Board of such persons and services as may be required and for the payment of such persons and for such services;

(j) providing for the payment of a per diem allowance and an allowance for travelling and living expenses to members of the Board while engaged on business of the Board;

(k) providing for the investment of the surplus revenue of the Board;

(l) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

2. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment of Act.

3. This Act may be cited as *The Drugless Practitioners Amendment Act, 1950*. Short title.

BILL

An Act to amend The Drugless
Practitioners Act.

1st Reading

March 15th, 1950

2nd Reading

3rd Reading

MR. GOODFELLOW

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Drugless Practitioners Act.

MR. GOODFELLOW

BILL

An Act to amend The Drugless
Practitioners Act.

1st Reading

March 15th, 1950

2nd Reading

March 23rd, 1950

3rd Reading

March 27th, 1950

MR. GOODFELLOW

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Municipal Act.

MR. MACLEOD

No. 110

1950

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat.,
c. 266,
amended.

442.—(1) Every license or permit issued pursuant to this Part shall be subject to the condition that the holder of such license or permit shall not, in the conduct of his business pursuant to such license or permit, discriminate against any person or any class of persons because of the race or creed or colour of such person or class of persons, and every such license or permit shall bear an endorsement to the foregoing effect. Proviso
against
discrimina-
tion in
licenses and
permits.

(2) No holder of a license or permit issued pursuant to this Part shall discriminate against any person or any class of persons because of the race or creed or colour of such person or class of persons. Licensees
and per-
mittees
not to
discriminate.

2. This Act may be cited as *The Municipal Amendment Act, 1950*. Short title.

BILL

An Act to amend The Municipal Act.

1st Reading

March 15th, 1950

2nd Reading

3rd Reading

MR. MACLEOD

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Venereal Diseases Prevention Act, 1942.

MR. GOODFELLOW

EXPLANATORY NOTES

SECTION 1. The amendments are designed to clarify the authority for existing regulations respecting grants to clinics for treatment of venereal disease and contributions to municipalities toward cost of treatment of venereal disease supplied by such municipalities.

SECTION 2. Power is given to make regulations,—

1. providing for the establishment, equipment and operation of clinics;
2. requiring the approval of the Minister to the appointment of persons employed in clinics;
3. prescribing the amounts and conditions upon which grants may be made.

BILL

An Act to amend The Venereal Diseases Prevention Act, 1942.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Venereal Diseases Prevention Act, 1942* is amended ^{1942, c. 38, amended.} by adding thereto the following section:

20a. The Minister may make grants out of such moneys ^{Grants.} as may be appropriated by the Legislature for the purpose,—

(a) for the establishment, equipment, operation and maintenance of clinics for the treatment of venereal disease and for the hospitalization, maintenance, treatment and special treatment of persons infected or suspected of being infected with venereal disease in addition to or in lieu of any other moneys which may be payable for such purposes; and

(b) so as to reimburse municipalities for expenses incurred by such municipalities in supplying treatment to persons infected or suspected of being infected with venereal disease,

in such amounts, at such times and upon such conditions as may be prescribed by the regulations.

2. Clauses *m* and *n* of subsection 1 of section 21 of *The Venereal Diseases Prevention Act, 1942* are repealed and the following substituted therefor: ^{1942, c. 38, s. 21, subs. 1, cls. m, n, re-enacted.}

(*m*) providing for the establishment, equipment, operation and maintenance of clinics ^{Clinics.} for the treatment of venereal disease and for the treatment of persons infected or suspected of being infected with venereal disease;

Staff of
clinics.

(*mm*) requiring the approval of the Minister to the appointment of duly qualified medical practitioners, nurses and other technical staff employed in clinics for the treatment of venereal disease;

Grants.

(*n*) prescribing the amounts of, the times at which and the conditions upon which grants may be made for the establishment, equipment, operation and maintenance of clinics for the treatment of venereal disease and for the hospitalization, maintenance, treatment and special treatment of persons infected or suspected of being infected with venereal disease and for reimbursing municipalities for expenses incurred by such municipalities in supplying treatment to persons infected or suspected of being infected with venereal disease.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Venereal Diseases Prevention Amendment Act, 1950*.

BILL

An Act to amend The Venereal Diseases
Prevention Act, 1942.

1st Reading

March 15th, 1950

2nd Reading

3rd Reading

MR. GOODFELLOW

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Venereal Diseases Prevention Act, 1942.

MR. GOODFELLOW

No. 111

1950

BILL

An Act to amend The Venereal Diseases Prevention Act, 1942.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Venereal Diseases Prevention Act, 1942* is amended ^{1942, c. 38, amended.} by adding thereto the following section:

20a. The Minister may make grants out of such moneys ^{Grants.} as may be appropriated by the Legislature for the purpose,—

- (a) for the establishment, equipment, operation and maintenance of clinics for the treatment of venereal disease and for the hospitalization, maintenance, treatment and special treatment of persons infected or suspected of being infected with venereal disease in addition to or in lieu of any other moneys which may be payable for such purposes; and
- (b) so as to reimburse municipalities for expenses incurred by such municipalities in supplying treatment to persons infected or suspected of being infected with venereal disease,

in such amounts, at such times and upon such conditions as may be prescribed by the regulations.

2. Clauses *m* and *n* of subsection 1 of section 21 of *The Venereal Diseases Prevention Act, 1942* are repealed and the following substituted therefor: ^{1942, c. 38, s. 21, subs. 1, cls. m, n, re-enacted.}

- (m) providing for the establishment, equipment, operation and maintenance of clinics for the treatment of venereal disease and for the treatment of persons infected or suspected of being infected with venereal disease; ^{Clinics.}

Staff of
clinics.

(*mm*) requiring the approval of the Minister to the appointment of duly qualified medical practitioners, nurses and other technical staff employed in clinics for the treatment of venereal disease;

Grants.

(*n*) prescribing the amounts of, the times at which and the conditions upon which grants may be made for the establishment, equipment, operation and maintenance of clinics for the treatment of venereal disease and for the hospitalization, maintenance, treatment and special treatment of persons infected or suspected of being infected with venereal disease and for reimbursing municipalities for expenses incurred by such municipalities in supplying treatment to persons infected or suspected of being infected with venereal disease.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Venereal Diseases Prevention Amendment Act, 1950*.

An Act to amend The Venereal Diseases
Prevention Act, 1942.

1st Reading

March 15th, 1950

2nd Reading

March 23rd, 1950

3rd Reading

March 27th, 1950

MR. GOODFELLOW

2NDND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Municipal Act.

MR. DUNBAR

EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment authorizes the Municipal Board to award compensation to operators of public vehicles who are adversely affected by an annexation or amalgamation.

Subsection 2. This amendment extends the time for filing objections to an annexation or amalgamation order from 14 days to 28 days.

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 8 of section 23 of *The Municipal Act*, Rev. Stat., c. 266, s. 23, as re-enacted by section 2 of *The Municipal Amendment Act*, subs. 8 (1939, 1939, is amended by adding thereto the following clause: c. 30, s. 2), amended.

(ee) where the holder of an operating license under *The* 1949, c. 86. *Public Vehicle Act, 1949* is adversely affected by the annexation or amalgamation,

- (i) may authorize the municipality or municipalities to pay to the holder of the license in respect of such adverse effect the amount of compensation agreed upon, or
- (ii) may direct what compensation, if any, shall be paid by the municipality or municipalities to the holder of the license in respect of such adverse effect.

(2) Subsection 14 of the said section 23, as re-enacted by Rev. Stat., c. 266, s. 23, subsection 3 of section 2 of *The Municipal Amendment Act*, subs. 14 (1947, 1947, is amended by striking out the word "fourteen" in the c. 69, s. 2, second line and inserting in lieu thereof the word "twenty-subs. 3), amended. eight", so that the subsection shall read as follows:

(14) An amalgamation or annexation order shall not Amalgamation, annexation orders, — when to come into force. come into force until twenty-eight days after it is made and if during that period objection thereto is filed with the Municipal Board, the order shall not come into force,—

- (a) until the objection is withdrawn, in which case the Municipal Board may name the day upon which the order came or will come into force; or

- (b) until it is confirmed by special Act, in which case the Act shall name the day upon which it came or will come into force.

Rev. Stat.,
c. 266, s. 44e,
subs. 1
(1943,
c. 16, s. 2),
re-enacted.

2.—(1) Subsection 1 of section 44e of *The Municipal Act*, as enacted by section 2 of *The Municipal Amendment Act*, 1943, is repealed and the following substituted therefor:

Dissolution
of municipi-
palities or
parts
thereof.

(1) Upon the application,—

(a) of a municipality to have the municipality dissolved; or

(b) of a municipality in unorganized territory to have a part or parts of the municipality dissolved,

the Municipal Board may by order on such terms as it may deem expedient,

(c) dissolve the municipality; or

(d) detach from the municipality and dissolve such part or parts or any larger or smaller part or parts,

as the case may be, and the order shall take effect on the day named therein.

Where appli-
cation in
respect of
part only.

(1a) In the case of an application under clause b of subsection 1, for the purposes of the other provisions of this section "municipality" shall mean the part or parts of the municipality in respect of which the application is made or the order is made, as the case may require.

Rev. Stat.,
c. 266, s. 44e,
subs. 5, cl. c,
(1943,
c. 16, s. 2),
amended.

(2) Clause c of subsection 5 of the said section 44e is amended by inserting after the word "to" in the fourth line the words "and the manner in" and by adding at the end thereof the words "or otherwise", so that the clause shall read as follows:

(c) define the municipality dissolved as a special area and adjust the rights, claims, liabilities and obligations of the ratepayers of such area and provide the extent to and the manner in which the liabilities of the municipality shall be discharged by the imposition of rates upon the rateable property in such area, or otherwise.

Rev. Stat.,
c. 266, s. 47,
subs. 3,
amended.

3. Subsection 3 of section 47 of *The Municipal Act* is amended by striking out the words "six or nine" in the fourth and fifth lines and inserting in lieu thereof the words "four, six, seven or nine", so that the subsection shall read as follows:

SECTION 2. The Municipal Board is given power to detach and dissolve lands in a municipality in a territorial district.

SECTION 3. By amendments to subsections 1 and 2 of section 47 in 1946 and 1947, the council of a town in unorganized territory was permitted to have four or seven councillors. This amendment makes subsection 3 conform with these changes.

SECTION 4. These amendments are complementary to amendments made to sections 47 and 48 in 1946 and 1947.

SECTION 5—Subsection 1. Persons holding the positions set out in the new clauses *ee* and *ff* will henceforth be disqualified from being elected to, and from sitting and voting in, municipal councils.

Subsection 2. The amendment will permit teachers to become members of municipal councils.

- (3) Where a town in unorganized territory has been divided into wards the council may provide that the council shall be composed of a mayor, and one councillor for each ward, and the remaining councillors to complete the full number of four, six, seven or nine, as the case may be, to be elected by general vote. Election by wards.

4. Subsections 4, 5 and 6 of section 48 of *The Municipal Act* are repealed and the following substituted therefor: Rev. Stat., c. 266, s. 48, subss. 4-6, re-enacted.

- (4) A by-law passed under section 47 or under subsection 2 or 3 of this section shall not be repealed until two annual elections have been held under it. Repeal of by-laws.
- (5) A by-law passed under section 47 or under subsection 2 or 3 of this section, and a by-law repealing any such by-law, shall be passed not later in the year than the 1st day of November, and shall not be passed unless it has received the assent of the municipal electors. Time for passing of by-laws; assent of electors.
- (6) Every such by-law, including a repealing by-law, shall take effect at and for the purposes of the annual election next after its passing. When by-law to take effect.

5.—(1) Subsection 1 of section 53 of *The Municipal Act*, as amended by section 6 of *The Municipal Amendment Act, 1939*, section 1 of *The Municipal Amendment Act, 1940*, section 1 of *The Municipal Amendment Act, 1941*, section 7 of *The Municipal Amendment Act, 1947* and subsection 1 of section 2 of *The Municipal Amendment Act, 1948*, is further amended by adding thereto the following clauses: Rev. Stat., c. 266, s. 53, subs. 1, amended.

(ee) a trustee of a police village;

.

(ff) a person other than the head of the council who is an appointed or elected member of a board, commission or other body to which the construction, management or control of a public utility belonging to the corporation of the municipality is entrusted under *The Public Utilities Act*, *The Power Commission Act* or any special Act. Rev. Stat., cc. 286, 62.

(2) Subclause i of clause o of subsection 1 of the said section 53, as amended by section 1 of *The Municipal Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 53, subs. 1, cl. o, subcl. 1, re-enacted.

- (i) "contract" in this clause includes a contract, other than a teacher's contract, with a public or high school board or a board of education.

Rev. Stat.,
c. 266, s. 53,
subs. 3,
amended.

(3) Subsection 3 of the said section 53, as amended by section 2 of *The Municipal Amendment Act, 1949*, is further amended by adding thereto the following clause:

- (h) while being a member of council, of his acting in the place and stead of the head of the council as a member of any board, commission or other body of which the head of the council is a member *ex officio* under any general or special Act.

Rev. Stat.,
c. 266, s. 65,
subs. 1
(1947,
c. 69, s. 9),
amended.

6. Subsection 1 of section 65 of *The Municipal Act*, as re-enacted by section 9 of *The Municipal Amendment Act, 1947* and amended by section 3 of *The Municipal Amendment Act, 1948*, is further amended by adding at the end thereof the words "but no such by-law shall be amended or repealed after the 1st day of November in any year", so that the subsection shall read as follows

Power to
fix nomination
and
polling day.

- (1) The council may, not later in the year than the 1st day of November, fix the day for the meeting of electors for the nomination of candidates for council and for any local board or commission any members of which are to be elected by ballot by the electors and the day for the polling, provided that the days so fixed occur during the period from the 15th day of November to the 2nd day of January both inclusive, and are other than a Sunday or the 24th, 25th or 31st days of December, and that the day fixed for nominations is not less than seven days prior to the day fixed for polling, and the by-law shall remain in force from year to year until repealed, but no such by-law shall be amended or repealed after the 1st day of November in any year.

Rev. Stat.,
c. 266, s. 122,
amended.

7. Section 122 of *The Municipal Act* is amended by adding thereto the following subsection:

Certificate
where voter
unable to
read.

- (7) Where a voter has made the declaration (Form 12) of his inability to read, the deputy returning officer shall complete and subscribe to the certificate (Form 14).

Rev. Stat.,
c. 266, s. 134,
re-enacted.

8. Section 134 of *The Municipal Act* is repealed and the following substituted therefor:

Poll book,
etc., to be
placed in
ballot box.

134. The poll book, the voters' list, the packets containing the ballot papers, and all other documents which served at the election shall be placed in the ballot box, except,—

- (a) the duplicate statement;

Subsection 3. This amendment provides that a person shall not be disqualified from being a member of council by virtue of his acting in place of the head of council who is *ex officio* a member of a board or commission.

SECTION 6. Under section 64 of *The Municipal Act* the nominations are to be held on the last Monday in December and the polling on the first Monday in January, unless a by-law is passed under section 65 setting different dates. By-laws under section 65 must be passed before the 1st day of November. The amendment ensures observance of the principle that the days of nomination and polling cannot be changed after the 1st day of November.

SECTION 7. Form 14 has appeared in the statute for many years but no provision in the Act has required its completion. This amendment corrects this situation.

SECTION 8. At present the section requires all documents which served at the election, except the duplicate statement, to be placed in the ballot box. The section is amended to make it clear that the oaths referred to in clauses *b*, *c* and *d* of the re-enacted section shall not be placed in the ballot box as they should be sworn to only after the box is sealed.

SECTION 9. The provisions with respect to the giving of security by officers of school boards are now contained in the various school Acts.

SECTION 10—Subsection 1. This amendment provides that where an employee has contributed additional amounts to a pension scheme in order to increase his pension, the pension payments derived from such additional contributions will not be considered in determining the maximum combined retiring allowance and pension he may be given under section 265.

Subsection 2. This amendment substitutes the actual date that subsection 2 of section 265 came into force for the reference to "the day on which this Act comes into force".

SECTION 11. The new section will enable the Municipal Board to authorize, on consent, a municipality to issue debentures to raise the moneys authorized or required to be raised not only by itself but also by any other municipality where under any general Act the cost of any project is shared by two or more municipalities. The section will apply, for example, to the issue of debentures for the moneys required under *The Homes for the Aged Act, 1949*. It will not apply, for example, to capital expenditures which are specially provided for in *The High Schools Act*.

(b) the oath of the deputy returning officer, Form 16;

(c) the oath of the poll clerk, Form 16 or similar oath; and

(d) the oath of the person, if any, chosen to deliver the ballot box to the clerk, Form 15.

9. Subsection 7 of section 257 of *The Municipal Act*, as enacted by section 33 of *The Municipal Amendment Act, 1946*, is amended by inserting after the word "*Act*" in the fourth line and by adding after the word "*territory*" in the eighth line, respectively, the words "except a school board", so that the subsection shall read as follows:

Rev. Stat.,
c. 266, s. 257,
subs. 7
(1946,
c. 60, s. 33),
amended.

(7) This section shall apply *mutatis mutandis* to the treasurer and every other officer as the board may require of a local board as defined in *The Department of Municipal Affairs Act*, except a school board, and to every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory, except a school board.

Local boards
and author-
ities.
Rev. Stat.,
c. 59.

10.—(1) Section 265 of *The Municipal Act*, as re-enacted by section 35 of *The Municipal Amendment Act, 1946*, is amended by adding thereto the following subsection:

Rev. Stat.,
c. 266, s. 265,
(1946,
c. 60, s. 35),
amended.

(1a) "Pension payments" in subsection 1 shall mean only pension payments that have resulted from the joint contributions of employer and employee, and does not include any such payments that have resulted solely from contributions of the employee.

"Pension
payments",
defined.

(2) Subsection 2 of the said section 265 is amended by striking out the words "day on which this Act comes into force" in the third and fourth lines and inserting in lieu thereof the words and figures "5th day of April, 1946", so that the subsection shall read as follows:

Rev. Stat.,
c. 266, s. 265,
subs. 2
(1946,
c. 60, s. 35),
amended.

(2) Where an employees' pension plan is in operation, this section shall apply only to employees who were in the employ of the municipality on the 5th day of April, 1946, and in any event shall not apply to any employee who enters the service of the municipality after the 1st day of January, 1948.

Application
of section.

11. *The Municipal Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 266,
amended.

Debentures
for joint
under-
takings.

275a.—(1) Where under this or any other general Act, two or more municipalities are authorized or required jointly to provide moneys for any purpose, and it is necessary to raise such moneys by the issue of debentures, the Municipal Board upon the application of the council of one or more of such municipalities may by order authorize one of such municipalities to raise the whole amount required by the issue of its debentures, or to raise its portion of the moneys and the portion of one or more of the other municipalities by the issue of its debentures, and may by its order relieve the other municipalities or such other municipalities, as the case may be, from the necessity of issuing debentures.

Annual
rates.

(2) Where, under an order of the Municipal Board under subsection 1, any municipality issues debentures for the portion of the moneys required to be raised by another municipality, the other municipality shall provide and raise by a special rate on all the rateable property in the municipality liable therefor, in each year of the currency of the debentures, a sum sufficient to pay its share of the principal and interest falling due in such year upon such debentures, such share to be determined in the proportion that that municipality's portion of the moneys required to be raised bears to the total amount of the debenture issue.

Payment to
municipality
issuing
debentures.

(3) The sum to be raised annually by such other municipality shall be paid to the treasurer of the municipality which issued the debentures not later than the date in each year fixed by the order of the Municipal Board, and if not paid by such date shall bear interest at the rate of six per centum per annum until paid.

Consent
required.

(4) No order of the Municipal Board under this section shall require a municipality, without its consent, to issue debentures to provide moneys required to be raised by another municipality.

Limited
application
of section.

(5) This section shall not apply where the Act under which the moneys are authorized or required to be raised contains provisions similar in effect to the provisions of this section.

Rev. Stat.,
c. 266, s. 289,
amended.

12. Section 289 of *The Municipal Act* is amended by adding thereto the following subsection:

SECTION 12. The effect of the amendment is to permit the showing of wards and polling subdivisions on ballots used for voting on a by-law or on a question.

SECTION 13. This amendment eliminates any possibility that section 314 of *The Municipal Act* overrides section 67 of *The Ontario Municipal Board Act* under which a debenture, once it is certified by the Municipal Board, is incontestable.

Section 14. The authority for having certain signatures on debentures stamped, lithographed or engraved is extended to cities of a population of 90,000 or more. At present the authority is limited to cities of a population of 200,000 or more.

SECTION 15. Section 338a at present requires that surpluses and deficits shall be applied equally over the term of the debenture issue as a reduction in or addition to interest charges. The amendment provides a more practical method of dealing with such premiums and discounts.

- (2) In a municipality divided into wards or polling subdivisions, or both, the ballot paper, Form 24 or 25, may by by-law be varied to show the names or numbers of the wards and the numbers of the polling subdivisions, and the form of ballot paper illustrated in Form 26 shall be varied accordingly. Designation of wards and polling subdivisions.

13. Subsection 5 of section 314 of *The Municipal Act*, as amended by subsection 1 of section 28 of *The Municipal Amendment Act, 1947*, is further amended by adding at the commencement thereof the words "Subject to section 67 of *The Ontario Municipal Board Act*", so that the subsection shall read as follows: Rev. Stat., c. 266, s. 314, subs. 5, amended.

- (5) Subject to section 67 of *The Ontario Municipal Board Act*, every by-law registered in accordance with the provisions of subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures shall be valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws to which subsection 4 applies, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought is registered in such registry office within such period of three months, or one month, as the case may be. Application to quash registered by-law — when to be made. Rev. Stat., c. 60.

14. Subsection 3 of section 334 of *The Municipal Act* is amended by striking out the figures "200,000" in the first line and inserting in lieu thereof the figures "90,000", so that the subsection shall read as follows: Rev. Stat., c. 266, s. 334, subs. 3, amended.

- (3) In a city having a population of not less than 90,000, the signature of the head of the council of the said corporation to all debentures or other like instruments issued by the said corporation may be written, stamped, lithographed or engraved and if such debentures or other like instruments are countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be stamped, lithographed or engraved. Execution of debentures.

15. Section 338a of *The Municipal Act*, as enacted by section 46 of *The Municipal Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 338a (1946, c. 60, s. 46), re-enacted.

Where
debentures
sold at
premium.

338a.—(1) Where on the sale of the whole or any part of an issue of debentures, a premium is derived and moneys in addition to the principal sum of the debentures are required for the purpose or purposes for which the debentures were issued, the premium shall be applied to such purpose or purposes.

Idem.

(2) Where the whole or any part of the premium is not required for the purpose or purposes for which the debentures were issued, the amount of the premium or of the part not so required shall be applied as follows:

(a) Where the amount is sufficient to redeem one or more debentures of the latest maturity, it shall be applied for that purpose.

(b) Where the amount is not sufficient to redeem a debenture, or where a balance remains after redemption as required by clause *a*, the amount or the balance, as the case may be, shall be applied on the first annual payment of principal and interest on the debentures, and the levy made in the first year for such purpose shall be reduced accordingly.

Where sold
at discount.

(3) Where on the sale of the whole or any part of an issue of debentures of a municipality a deficit is sustained and the amount of the deficit, or any part thereof is required for the purpose or purposes for which the debentures were issued and was not fully estimated and provided for in the amount of debenture issue, the amount of the deficit or the part so required, shall be added to the sum to be raised for the first annual payment of principal and interest on the debentures, and the levy made in the first year for such purpose shall be increased accordingly.

Rev. Stat.,
c. 266, s. 388,
amended.

16. Section 388 of *The Municipal Act*, as amended by section 11 of *The Municipal Amendment Act, 1948* and section 8 of *The Municipal Amendment Act, 1949*, is further amended by adding thereto the following subsection:

Bonus.

(2a) The Lieutenant-Governor in Council may authorize the county or city, as the case may be, to pay to the gaoler and gaol employees, other than the gaol surgeon, such bonuses as the Lieutenant-Governor in Council may prescribe.

Rev. Stat.,
c. 266, s. 404,
para. 41a
(1939,
c. 30, s. 23,
subs. 2),
amended.

17.—(1) Paragraph 41a of section 404 of *The Municipal Act*, as enacted by subsection 2 of section 23 of *The Municipal*

SECTION 16. Self-explanatory.

SECTION 17—Subsection 1. This amendment will authorize transfers of funds from a municipal pension plan or scheme when an employee becomes employed in the Dominion or provincial civil service or by another municipality or by any other body established under a provincial Act.

Subsection 2. This amendment authorizes municipal grants in aid of approved community nursing registries.

SECTION 18—Subsection 1. The new clause added to paragraph 1 of section 405 re-enacts the provisions of section 1 of *The Bonus Limitation Act*, which Act is repealed by section 23 of this Bill.

Amendment Act, 1939 and amended by subsection 2 of section 10 of *The Municipal Amendment Act, 1941*, subsections 5, 7 and 8 of section 36 of *The Municipal Amendment Act, 1944*, subsections 6, 7 and 8 of section 48 of *The Municipal Amendment Act, 1946* and subsection 2 of section 31 of *The Municipal Amendment Act, 1947*, is further amended by adding thereto the following clause:

(h) Where an employee,

Transfer of
pension
funds.

(i) becomes a member of the civil service of Ontario or Canada,

(ii) becomes an employee of another municipality, or

(iii) becomes a member of the staff of any board, commission or public institution established under any Act of this Legislature,

the council may by by-law authorize the transfer of, or may transfer, the whole or any part of any money standing to the credit of the employee in connection with a pension plan or fund established for employees of the municipality or a local board, to any like plan or fund maintained to provide superannuation benefits for the members of such civil or civic service or such staff, as the case may be.

(2) Paragraph 49 of the said section 404 is amended by adding at the end thereof the words "and to any local community nursing registry approved by the Registered Nurses' Association of Ontario", so that the paragraph shall read as follows:

Rev. Stat.,
c. 266, s. 404,
para. 49,
amended.

49. For granting aid to the Victorian Order of Nurses and to any local community nursing registry approved by the Registered Nurses' Association of Ontario.

Aid to
nursing
organiza-
tions.

18.—(1) Paragraph 1 of section 405 of *The Municipal Act*, as amended by section 24 of *The Municipal Amendment Act, 1939* and subsection 1 of section 49 of *The Municipal Amendment Act, 1946*, is further amended by adding thereto the following clause:

Rev. Stat.,
c. 266, s. 405,
par. 1,
amended.

(f) Notwithstanding anything in any general or special Act, the power of every municipal corporation in Ontario to grant bonuses in aid of any manufacturing business, including iron works, rolling mills, works for refining or smelting ores, grain elevators, a beet sugar factory and a tobacco drier or the land and business

Bonus by
fixed assess-
ment only.

of a cold storage plant to which aid by way of loan or grant has been or is being given by the Governments of Canada and Ontario or either of them is limited to a fixed assessment as provided in this paragraph.

Rev. Stat., c. 266, s. 405, amended. (2) The said section 405 is further amended by adding thereto the following paragraphs:

Industrial Sites.

Industrial sites.

- 1a. With the assent of the electors qualified to vote on money by-laws, for acquiring and expropriating land and selling or leasing the land for the purpose of sites for the establishment and carrying on of industries and industrial operations.

General by-law.

- (a) The assent of the electors may be obtained by the submission of a general by-law authorizing the acquiring or expropriating of land for industrial sites and for borrowing money for that purpose not exceeding a stated amount, and if the assent of the electors is obtained to the by-law the council may by a two-thirds vote of all the members and without further assent of the electors pass by-laws from time to time to borrow money for that purpose by the issue of debentures payable within a term of not more than thirty years from the issue thereof.

Approval of sales and leases.

Rev. Stat., c. 268.

- (b) No land heretofore acquired under *The Industrial Sites Act* or hereafter acquired under this paragraph shall be sold or leased except with the approval of the Department, and no such approval shall be given if the price or rental is, in the opinion of the Department, less than the fair market value or fair rental value, as the case may be.

Sales and leases hereunder deemed not bonuses.

- (c) Where land has been acquired under *The Industrial Sites Act*, or is acquired under a by-law passed under this paragraph, and is sold or leased with the approval of the Department, such sale or rental shall be deemed not to be a bonus within the meaning of clause *f* of paragraph 1.

.

Subsection 2. The new paragraph 1a added to section 405 re-enacts the provisions of *The Industrial Sites Act*, which Act is repealed by section 24 of this Bill. The only change in principle is that the approval of the Department of Municipal Affairs to sales of land purchased for industrial resale will be required in lieu of the approval by the county or district judge.

The new paragraph 31a will permit local municipalities to pass by-laws for prohibiting and regulating smoking in large retail shops or any classes thereof.

The new paragraph 47a will permit local municipalities to pass by-laws, with the assent of the electors, to authorize the laying of pipes in highways for the transmission of water and gas.

Subsection 3. The purpose of this subsection is to validate certain purchases of industrial sites by municipalities under the supposed authority of *The Planning Act*.

SECTION 19—Subsection 1. The new subsection 1aa added to section 406 will permit a municipality to provide in a zoning by-law, where there is an official plan in effect under *The Planning Act*, that the land covered by the by-law cannot be used for specified purposes without approval. This will enable municipalities to ensure, for example, in industrial areas that a gasoline storage depot, for example, will not be located immediately adjacent to a lumber yard.

The new subsection 5b ensures that the Municipal Board will be notified, in applications for or in respect of zoning by-laws, as to whether or not there is an official plan in effect under *The Planning Act* covering the land affected by the by-law.

Smoking in Shops.

- 31a. For regulating smoking in retail shops in which Smoking
in shops.
ten or more persons are employed, or in any class or
classes thereof, and for prohibiting smoking in such
shops or any class or classes thereof, or in any part
or parts thereof.

.

Water and Gas Pipes in Highways.

- 47a. Subject to *The Municipal Franchises Act*, for Water and
gas pipes
in highways.
Rev. Stat.,
c. 277.
authorizing the laying down, maintenance and use
of pipes and other necessary works for the trans-
mission of water or gas on, in, under, along or across
any highway under the jurisdiction of the council.

(3) Where any municipality has heretofore acquired or Lands
already
acquired for
purposes of
official plan.
1946, c. 71.
purported to acquire land for the purpose of re-sale for indus-
trial purposes in accordance with *The Planning Act, 1946*,
such acquisition shall be deemed to have been legal, valid
and binding, and where the municipality has sold such land
or any part thereof for industrial purposes, the sale of such
land shall be deemed to have been legal, valid and binding,
and any part of such land not yet sold may hereafter be sold
or leased as if it had been acquired under a by-law passed in
accordance with paragraph 1a of section 405 of *The Municipal
Act* as enacted by subsection 2 of this section.

19.—(1) Section 406 of *The Municipal Act*, as re-enacted Rev. Stat.,
c. 266, s. 406
(1941
c. 35, s. 13,
subs. 1),
amended.
by subsection 1 of section 13 of *The Municipal Amendment
Act, 1941* and amended by section 11 of *The Municipal
Amendment Act, 1943*, section 50 of *The Municipal Amendment
Act, 1946* and section 12 of *The Municipal Amendment Act,
1949*, is further amended by adding thereto the following
subsections:

- (1a) Where an official plan is in effect in a municipality Uses for
hazardous
purposes.
1946, c. 71.
or a part thereof under *The Planning Act, 1946*, a
by-law passed under this section may include a
provision that no land, building or structure shall
be used in the area covered by the by-law for such
commercial or industrial purposes as are likely to
create danger to health or danger from fire or
explosion and as are specified in the by-law, without
the approval in writing,—

- (a) of the committee of adjustment constituted
under section 14 of *The Planning Act, 1946*;
or

- (b) where no such committee has been established, of the planning board,

and where a by-law includes such provision, the committee or board shall give one copy of its written decision upon any application for approval to the applicant and shall file one copy with the clerk of the municipality, and where the committee or board has refused to grant any such application it shall, upon the request of the applicant, refer the matter to the Municipal Board, which Board may grant or refuse such approval and its decision shall be final and binding.

.

Application to state whether official plan in effect. 1946, c. 71.

- (5b) Every application to the Municipal Board for approval of a by-law passed under this section shall state whether or not the land affected by the by-law is covered by an official plan that is in effect under *The Planning Act, 1946*.

Rev. Stat., c. 266, s. 406, subs. 9 (1943, c. 16, s. 11, subs. 2), amended.

- (2) Subsection 9 of the said section 406, as enacted by subsection 2 of section 11 of *The Municipal Amendment Act, 1943* and amended by subsection 7 of section 50 of *The Municipal Amendment Act, 1946*, is further amended by striking out the words "under any provision" in the second and third lines and inserting in lieu thereof the words "any by-law", so that the subsection shall read as follows:

Extension or enlargement.

1941, c. 35.

- (9) Notwithstanding any other provision of this section, any by-law passed under this section or any by-law deemed to be consistent with this section by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*, may with the approval of the Municipal Board be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed.

Rev. Stat., c. 266, s. 406, subs. 9a (1946, c. 60, s. 50, subs. 8), amended.

- (3) Subsection 9a of the said section 406, as enacted by subsection 8 of section 50 of *The Municipal Amendment Act, 1946*, is amended by inserting after the word "section" in the second line the words "or any by-law deemed to be consistent with this section by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*", so that the subsection shall read as follows:

Appeal.

- (9a) Where an application to the council for an amendment to a by-law passed under this section, or any

Subsection 2. The section of the 1941 statute provided that certain "by-laws" were deemed to be consistent with section 406. The reference to "any provision" is therefore replaced by a reference to "any by-law".

Subsection 3. The effect of the amendment is to permit an applicant for an amendment to a by-law passed under the sections of the Act which dealt with restricted areas and which were repealed in 1941, to appeal to the Municipal Board from the refusal of council to grant the amendment or to make a decision on the application.

Subsection 4. The repealed subsection 10 authorized one member of the Municipal Board to hear and determine all applications in respect of zoning by-laws. Henceforth the provisions of *The Ontario Municipal Board Act*, which require two members to form a quorum, will apply to these matters.

SECTION 20. This amendment authorizes the passing of by-laws by cities, towns and villages and of townships bordering on a city having a population of not less than 100,000 to prohibit or regulate the sale by retail of fish and flowers in the highways or on vacant lots adjoining highways.

SECTION 21. The requirement of the approval of the Minister of Lands and Forests to by-laws for preserving or selling timber or trees on unopened original road allowances is new.

SECTION 22. The repealed Form 1 is the declaration of incorporation of a township by a district judge. As judges no longer have power to incorporate townships the form is repealed.

SECTION 23. The operative provisions of the repealed Act are added to paragraph 1 of section 405 of *The Municipal Act* by subsection 1 of section 18 of this Bill.

SECTION 24. The provisions of the repealed Act, with some modifications are added to *The Municipal Act* as paragraph 1a of section 405 by subsection 2 of section 18 of this Bill.

by-law deemed to be consistent with this section by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*, is refused or the council refuses or neglects to make a decision thereon within one month after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Municipal Board shall hear the appeal and dismiss the same or direct that the by-law be amended in accordance with its order.

(4) Subsection 10 of the said section 406, as enacted by subsection 2 of section 11 of *The Municipal Amendment Act, 1943*, is repealed.

Rev. Stat.,
c. 266, s. 406,
subs. 10
(1943,
c. 16, s. 11,
subs. 2),
repealed.

20. Paragraph 2 of section 408 of *The Municipal Act* is amended by inserting after the word "meat" in the second line the word "fish" and by inserting after the word "fruit" in the third line the word "flowers", so that the paragraph shall read as follows:

Rev. Stat.,
c. 266, s. 408,
para. 2,
amended.

2. For prohibiting or regulating the sale by retail in the highways or on vacant lots adjacent to them of any meat, fish, vegetables, grain, hay, fruit, flowers, beverages, smallwares and other articles, and for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise.

Regulating
vending in
streets, etc.

21. Paragraph 5 of section 507 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 507,
para. 5,
re-enacted.

5. For preserving or selling the timber or trees on any original allowance for road, subject however to the rights, if any, of a Crown timber licensee under *The Crown Timber Act* and, in the case of an unopened original allowance for road, subject also to the approval of the Minister of Lands and Forests.

Timber on
road
allowances.

Rev. Stat.,
c. 36.

22. Form 1 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266,
Form 1,
repealed.

23. *The Bonus Limitation Act* is repealed.

Rev. Stat.,
c. 267,
repealed.

24. *The Industrial Sites Act* is repealed.

Rev. Stat.,
c. 268,
repealed.

25. This Act shall come into force on the day it receives the Royal Assent, and paragraph 47a of section 405 of *The Municipal Act*, as enacted by subsection 2 of section 18 of this Act shall be deemed to have come into force on the 5th day of April, 1946.

Commence-
ment of Act.

26. This Act may be cited as *The Municipal Amendment Act, 1950*.

Short title.

BILL

An Act to amend The Municipal Act.

1st Reading

March 20th, 1950

2nd Reading

3rd Reading

MR. DUNBAR

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Municipal Act.

MR. DUNBAR

(Reprinted as amended by the Committee on Municipal Law.)

EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment authorizes the Municipal Board to award compensation to operators of public vehicles who are adversely affected by an annexation or amalgamation.

Subsection 2. This amendment extends the time for filing objections to an annexation or amalgamation order from 14 days to 28 days.

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 8 of section 23 of *The Municipal Act*, Rev. Stat., c. 266, s. 23, subs. 8 (1939, c. 30, s. 2), amended. as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, is amended by adding thereto the following clause:

(ee) where the holder of an operating license under *The Public Vehicle Act, 1949*, 1949, c. 86. is adversely affected by the annexation or amalgamation,

- (i) may authorize the municipality or municipalities to pay to the holder of the license in respect of such adverse effect the amount of compensation agreed upon, or
- (ii) may direct what compensation, if any, shall be paid by the municipality or municipalities to the holder of the license in respect of such adverse effect.

(2) Subsection 14 of the said section 23, as re-enacted by Rev. Stat., c. 266, s. 23, subs. 14 (1947, c. 69, s. 2, subs. 3), amended. subsection 3 of section 2 of *The Municipal Amendment Act, 1947*, is amended by striking out the word "fourteen" in the second line and inserting in lieu thereof the word "twenty-eight", so that the subsection shall read as follows:

(14) An amalgamation or annexation order shall not come into force until twenty-eight days after it is made and if during that period objection thereto is filed with the Municipal Board, the order shall not come into force,— Amalgamation, annexation orders, — when to come into force.

- (a) until the objection is withdrawn, in which case the Municipal Board may name the day upon which the order came or will come into force; or

- (b) until it is confirmed by special Act, in which case the Act shall name the day upon which it came or will come into force.

Rev. Stat.,
c. 266, s. 44e,
subs. 1
(1943,
c. 16, s. 2),
re-enacted.

2.—(1) Subsection 1 of section 44e of *The Municipal Act*, as enacted by section 2 of *The Municipal Amendment Act, 1943*, is repealed and the following substituted therefor:

Dissolution
of municipi-
palities or
parts
thereof.

(1) Upon the application,—

(a) of a municipality to have the municipality dissolved; or

(b) of a municipality in unorganized territory to have a part or parts of the municipality dissolved,

the Municipal Board may by order on such terms as it may deem expedient,

(c) dissolve the municipality; or

(d) detach from the municipality and dissolve such part or parts or any larger or smaller part or parts,

as the case may be, and the order shall take effect on the day named therein.

Where appli-
cation in
respect of
part only.

(1a) In the case of an application under clause *b* of subsection 1, for the purposes of the other provisions of this section “municipality” shall mean the part or parts of the municipality in respect of which the application is made or the order is made, as the case may require.

Rev. Stat.,
c. 266, s. 44e,
subs. 5, cl. c,
(1943,
c. 16, s. 2),
amended.

(2) Clause *c* of subsection 5 of the said section 44e is amended by inserting after the word “to” in the fourth line the words “and the manner in” and by adding at the end thereof the words “or otherwise”, so that the clause shall read as follows:

(c) define the municipality dissolved as a special area and adjust the rights, claims, liabilities and obligations of the ratepayers of such area and provide the extent to and the manner in which the liabilities of the municipality shall be discharged by the imposition of rates upon the rateable property in such area, or otherwise.

Rev. Stat.,
c. 266, s. 47,
subs. 3,
amended.

3. Subsection 3 of section 47 of *The Municipal Act* is amended by striking out the words “six or nine” in the fourth and fifth lines and inserting in lieu thereof the words “four, six, seven or nine”, so that the subsection shall read as follows:

SECTION 2. The Municipal Board is given power to detach and dissolve lands in a municipality in a territorial district.

SECTION 3. By amendments to subsections 1 and 2 of section 47 in 1946 and 1947, the council of a town in unorganized territory was permitted to have four or seven councillors. This amendment makes subsection 3 conform with these changes.

SECTION 4. These amendments are complementary to amendments made to sections 47 and 48 in 1946 and 1947.

SECTION 5—Subsection 1. Persons holding the positions set out in the new clauses *ee* and *ff* will henceforth be disqualified from being elected to, and from sitting and voting in, municipal councils.

Subsection 2. The amendment will permit teachers to become members of municipal councils.

- (3) Where a town in unorganized territory has been divided into wards the council may provide that the council shall be composed of a mayor, and one councillor for each ward, and the remaining councillors to complete the full number of four, six, seven or nine, as the case may be, to be elected by general vote. Election by wards.
4. Subsections 4, 5 and 6 of section 48 of *The Municipal Act* are repealed and the following substituted therefor: Rev. Stat., c. 266, s. 48, subss. 4-6 re-enacted.
- (4) A by-law passed under section 47 or under subsection 2 or 3 of this section shall not be repealed until two annual elections have been held under it. Repeal of by-laws.
- (5) A by-law passed under section 47 or under subsection 2 or 3 of this section, and a by-law repealing any such by-law, shall be passed not later in the year than the 1st day of November, and shall not be passed unless it has received the assent of the municipal electors. Time for passing of by-laws; assent of electors.
- (6) Every such by-law, including a repealing by-law, shall take effect at and for the purposes of the annual election next after its passing. When by-law to take effect.
- 5.—(1) Subsection 1 of section 53 of *The Municipal Act*, as amended by section 6 of *The Municipal Amendment Act, 1939*, section 1 of *The Municipal Amendment Act, 1940*, section 1 of *The Municipal Amendment Act, 1941*, section 7 of *The Municipal Amendment Act, 1947* and subsection 1 of section 2 of *The Municipal Amendment Act, 1948*, is further amended by adding thereto the following clauses: Rev. Stat., c. 266, s. 53, subss. 1, amended.
- (ee) a trustee of a police village;
-
- (ff) a person other than the head of the council who is an appointed or elected member of a board, commission or other body to which the construction, management or control of a public utility belonging to the corporation of the municipality is entrusted under *The Public Utilities Act*, *The Power Commission Act* or any special Act. Rev. Stat., c. 286, s. 62.
- (2) Subclause i of clause o of subsection 1 of the said section 53, as amended by section 1 of *The Municipal Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 53, subss. 1, cl. o, subcl. i, re-enacted.
- (i) "contract" in this clause includes a contract, other than a teacher's contract, with a public or high school board or a board of education.

Rev. Stat.,
c. 266, s. 53,
subs. 3,
amended.

(3) Subsection 3 of the said section 53, as amended by section 2 of *The Municipal Amendment Act, 1949*, is further amended by adding thereto the following clause:

- (h) while being a member of council, of his acting in the place and stead of the head of the council as a member of any board, commission or other body of which the head of the council is a member *ex officio* under any general or special Act.

Rev. Stat.,
c. 266, s. 65,
subs. 1
(1947,
c. 69, s. 9),
amended.

6. Subsection 1 of section 65 of *The Municipal Act*, as re-enacted by section 9 of *The Municipal Amendment Act, 1947* and amended by section 3 of *The Municipal Amendment Act, 1948*, is further amended by adding at the end thereof the words "but no such by-law shall be amended or repealed after the 1st day of November in any year", so that the subsection shall read as follows

Power to
fix nomination
and
polling day.

- (1) The council may, not later in the year than the 1st day of November, fix the day for the meeting of electors for the nomination of candidates for council and for any local board or commission any members of which are to be elected by ballot by the electors and the day for the polling, provided that the days so fixed occur during the period from the 15th day of November to the 2nd day of January both inclusive, and are other than a Sunday or the 24th, 25th or 31st days of December, and that the day fixed for nominations is not less than seven days prior to the day fixed for polling, and the by-law shall remain in force from year to year until repealed, but no such by-law shall be amended or repealed after the 1st day of November in any year.

Rev. Stat.,
c. 266, s. 122,
amended.

7. Section 122 of *The Municipal Act* is amended by adding thereto the following subsection:

Certificate
where voter
unable to
read.

- (7) Where a voter has made the declaration (Form 12) of his inability to read, the deputy returning officer shall complete and subscribe to the certificate (Form 14).

Rev. Stat.,
c. 266, s. 134,
re-enacted.

8. Section 134 of *The Municipal Act* is repealed and the following substituted therefor:

Poll book,
etc., to be
placed in
ballot box.

134. The poll book, the voters' list, the packets containing the ballot papers, and all other documents which served at the election shall be placed in the ballot box, except,—

- (a) the duplicate statement;

Subsection 3. This amendment provides that a person shall not be disqualified from being a member of council by virtue of his acting in place of the head of council who is *ex officio* a member of a board or commission.

SECTION 6. Under section 64 of *The Municipal Act* the nominations are to be held on the last Monday in December and the polling on the first Monday in January, unless a by-law is passed under section 65 setting different dates. By-laws under section 65 must be passed before the 1st day of November. The amendment ensures observance of the principle that the days of nomination and polling cannot be changed after the 1st day of November.

SECTION 7. Form 14 has appeared in the statute for many years but no provision in the Act has required its completion. This amendment corrects this situation.

SECTION 8. At present the section requires all documents which served at the election, except the duplicate statement, to be placed in the ballot box. The section is amended to make it clear that the oaths referred to in clauses *b*, *c* and *d* of the re-enacted section shall not be placed in the ballot box as they should be sworn to only after the box is sealed.

SECTION 9. The provisions with respect to the giving of security by officers of school boards are now contained in the various school Acts.

SECTION 10—Subsection 1. This amendment provides that where an employee has contributed additional amounts to a pension scheme in order to increase his pension, the pension payments derived from such additional contributions will not be considered in determining the maximum combined retiring allowance and pension he may be given under section 265.

Subsection 2. This amendment substitutes the actual date that subsection 2 of section 265 came into force for the reference to "the day on which this Act comes into force".

SECTION 11. The new section will enable the Municipal Board to authorize, on consent, a municipality to issue debentures to raise the moneys authorized or required to be raised not only by itself but also by any other municipality where under any general Act the cost of any project is shared by two or more municipalities. The section will apply, for example, to the issue of debentures for the moneys required under *The Homes for the Aged Act, 1949*. It will not apply, for example, to capital expenditures which are specially provided for in *The High Schools Act*.

(b) the oath of the deputy returning officer,
Form 16;

(c) the oath of the poll clerk, Form 16 or similar
oath; and

(d) the oath of the person, if any, chosen to deliver
the ballot box to the clerk, Form 15.

9. Subsection 7 of section 257 of *The Municipal Act*, as enacted by section 33 of *The Municipal Amendment Act, 1946*, is amended by inserting after the word "Act" in the fourth line and by adding after the word "territory" in the eighth line, respectively, the words "except a school board", so that the subsection shall read as follows:

Rev. Stat.,
c. 266, s. 257,
subs. 7
(1946,
c. 60, s. 33),
amended.

(7) This section shall apply *mutatis mutandis* to the treasurer and every other officer as the board may require of a local board as defined in *The Department of Municipal Affairs Act*, except a school board, and to every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory, except a school board.

Local boards
and author-
ities.
Rev. Stat.,
c. 59.

10.—(1) Section 265 of *The Municipal Act*, as re-enacted by section 35 of *The Municipal Amendment Act, 1946*, is amended by adding thereto the following subsection:

Rev. Stat.,
c. 266, s. 265,
subs. 2
(1946,
c. 60, s. 35),
amended.

(1a) "Pension payments" in subsection 1 shall mean only pension payments that have resulted from the joint contributions of employer and employee, and does not include any such payments that have resulted solely from contributions of the employee.

"Pension
payments",
defined.

(2) Subsection 2 of the said section 265 is amended by striking out the words "day on which this Act comes into force" in the third and fourth lines and inserting in lieu thereof the words and figures "5th day of April, 1946", so that the subsection shall read as follows:

Rev. Stat.,
c. 266, s. 265,
subs. 2
(1946,
c. 60, s. 35),
amended.

(2) Where an employees' pension plan is in operation, this section shall apply only to employees who were in the employ of the municipality on the 5th day of April, 1946, and in any event shall not apply to any employee who enters the service of the municipality after the 1st day of January, 1948.

Application
of section.

11. *The Municipal Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 266,
amended.

Debentures
for joint
under-
takings.

275a.—(1) Where under this or any other general Act, two or more municipalities are authorized or required jointly to provide moneys for any purpose, and it is necessary to raise such moneys by the issue of debentures, the Municipal Board upon the application of the council of one or more of such municipalities may by order authorize one of such municipalities to raise the whole amount required by the issue of its debentures, or to raise its portion of the moneys and the portion of one or more of the other municipalities by the issue of its debentures, and may by its order relieve the other municipalities or such other municipalities, as the case may be, from the necessity of issuing debentures.

Annual
rates.

(2) Where, under an order of the Municipal Board under subsection 1, any municipality issues debentures for the portion of the moneys required to be raised by another municipality, the other municipality shall provide and raise by a special rate on all the rateable property in the municipality liable therefor, in each year of the currency of the debentures, a sum sufficient to pay its share of the principal and interest falling due in such year upon such debentures, such share to be determined in the proportion that that municipality's portion of the moneys required to be raised bears to the total amount of the debenture issue.

Payment to
municipality
issuing
debentures.

(3) The sum to be raised annually by such other municipality shall be paid to the treasurer of the municipality which issued the debentures not later than the date in each year fixed by the order of the Municipal Board, and if not paid by such date shall bear interest at the rate of six per centum per annum until paid.

Consent
required.

(4) No order of the Municipal Board under this section shall require a municipality, without its consent, to issue debentures to provide moneys required to be raised by another municipality.

Limited
application
of section.

(5) This section shall not apply where the Act under which the moneys are authorized or required to be raised contains provisions similar in effect to the provisions of this section.

Rev. Stat.,
c. 266, s. 289,
amended.

12. Section 289 of *The Municipal Act* is amended by adding thereto the following subsection:

SECTION 12. The effect of the amendment is to permit the showing of wards and polling subdivisions on ballots used for voting on a by-law or on a question.

SECTION 13. This amendment eliminates any possibility that section 314 of *The Municipal Act* overrides section 67 of *The Ontario Municipal Board Act* under which a debenture, once it is certified by the Municipal Board, is incontestable.

Section 14. The authority for having certain signatures on debentures stamped, lithographed or engraved is extended to cities of a population of 90,000 or more. At present the authority is limited to cities of a population of 200,000 or more.

SECTION 15. Section 338a at present requires that surpluses and deficits shall be applied equally over the term of the debenture issue as a reduction in or addition to interest charges. The amendment provides a more practical method of dealing with such premiums and discounts.

- (2) In a municipality divided into wards or polling subdivisions, or both, the ballot paper, Form 24 or 25, may by by-law be varied to show the names or numbers of the wards and the numbers of the polling subdivisions, and the form of ballot paper illustrated in Form 26 shall be varied accordingly.
- Designation of wards and polling subdivisions.

13. Subsection 5 of section 314 of *The Municipal Act*, as amended by subsection 1 of section 28 of *The Municipal Amendment Act, 1947*, is further amended by adding at the commencement thereof the words "Subject to section 67 of *The Ontario Municipal Board Act*", so that the subsection shall read as follows:

Rev. Stat., c. 266, s. 314, subs. 5, amended.

- (5) Subject to section 67 of *The Ontario Municipal Board Act*, every by-law registered in accordance with the provisions of subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures shall be valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws to which subsection 4 applies, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought is registered in such registry office within such period of three months, or one month, as the case may be.
- Application to quash registered by-law — when to be made. Rev. Stat., c. 60.

14. Subsection 3 of section 334 of *The Municipal Act* is amended by striking out the figures "200,000" in the first line and inserting in lieu thereof the figures "90,000", so that the subsection shall read as follows:

Rev. Stat., c. 266, s. 334, subs. 3, amended.

- (3) In a city having a population of not less than 90,000, the signature of the head of the council of the said corporation to all debentures or other like instruments issued by the said corporation may be written, stamped, lithographed or engraved and if such debentures or other like instruments are countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be stamped, lithographed or engraved.
- Execution of debentures.

15. Section 338a of *The Municipal Act*, as enacted by section 46 of *The Municipal Amendment Act, 1946*, is repealed and the following substituted therefor:

Rev. Stat., c. 266, s. 338a (1946, c. 60, s. 46), re-enacted.

Where
debentures
sold at
premium.

338a.—(1) Where on the sale of the whole or any part of an issue of debentures, a premium is derived and moneys in addition to the principal sum of the debentures are required for the purpose or purposes for which the debentures were issued, the premium shall be applied to such purpose or purposes.

Idem.

(2) Where the whole or any part of the premium is not required for the purpose or purposes for which the debentures were issued, the amount of the premium or of the part not so required shall be applied as follows:

(a) Where the amount is sufficient to redeem one or more debentures of the latest maturity, it shall be applied for that purpose.

(b) Where the amount is not sufficient to redeem a debenture, or where a balance remains after redemption as required by clause *a*, the amount or the balance, as the case may be, shall be applied on the first annual payment of principal and interest on the debentures, and the levy made in the first year for such purpose shall be reduced accordingly.

Where sold
at discount.

(3) Where on the sale of the whole or any part of an issue of debentures of a municipality a deficit is sustained and the amount of the deficit, or any part thereof is required for the purpose or purposes for which the debentures were issued and was not fully estimated and provided for in the amount of debenture issue, the amount of the deficit or the part so required, shall be added to the sum to be raised for the first annual payment of principal and interest on the debentures, and the levy made in the first year for such purpose shall be increased accordingly.

Rev. Stat.,
c. 266, s. 388,
amended.

16. Section 388 of *The Municipal Act*, as amended by section 11 of *The Municipal Amendment Act, 1948* and section 8 of *The Municipal Amendment Act, 1949*, is further amended by adding thereto the following subsection:

Bonus.

(2a) The Lieutenant-Governor in Council may authorize the county or city, as the case may be, to pay to the gaoler and gaol employees, other than the gaol surgeon, such bonuses as the Lieutenant-Governor in Council may prescribe.

Rev. Stat.,
c. 266, s. 404,
para. 41a
(1939,
c. 30, s. 23,
subs. 2),
amended.

17.—(1) Paragraph 41a of section 404 of *The Municipal Act*, as enacted by subsection 2 of section 23 of *The Municipal*

SECTION 16. Self-explanatory.

SECTION 17—Subsection 1. This amendment will authorize transfers of funds from a municipal pension plan or scheme when an employee becomes employed in the Dominion or provincial civil service or by another municipality or by any other body established under a provincial Act.

Subsection 2. This amendment authorizes municipal grants in aid of approved community nursing registries.

SECTION 18—Subsection 1. The new clause added to paragraph 1 of section 405 re-enacts the provisions of section 1 of *The Bonus Limitation Act*, which Act is repealed by section 23 of this Bill.

Amendment Act, 1939 and amended by subsection 2 of section 10 of *The Municipal Amendment Act, 1941*, subsections 5, 7 and 8 of section 36 of *The Municipal Amendment Act, 1944*, subsections 6, 7 and 8 of section 48 of *The Municipal Amendment Act, 1946* and subsection 2 of section 31 of *The Municipal Amendment Act, 1947*, is further amended by adding thereto the following clause:

(h) Where an employee,

Transfer of
pension
funds.

(i) becomes a member of the civil service of Ontario or Canada,

(ii) becomes an employee of another municipality,
or

(iii) becomes a member of the staff of any board, commission or public institution established under any Act of this Legislature,

the council may by by-law authorize the transfer of, or may transfer, the whole or any part of any money standing to the credit of the employee in connection with a pension plan or fund established for employees of the municipality or a local board, to any like plan or fund maintained to provide superannuation benefits for the members of such civil or civic service or such staff, as the case may be.

(2) Paragraph 49 of the said section 404 is amended by adding at the end thereof the words "and to any local community nursing registry approved by the Registered Nurses' Association of Ontario", so that the paragraph shall read as follows:

Rev. Stat.,
c. 266, s. 404,
para. 49,
amended.

49. For granting aid to the Victorian Order of Nurses and to any local community nursing registry approved by the Registered Nurses' Association of Ontario.

Aid to
nursing
organiza-
tions.

18.—(1) Paragraph 1 of section 405 of *The Municipal Act*, as amended by section 24 of *The Municipal Amendment Act, 1939* and subsection 1 of section 49 of *The Municipal Amendment Act, 1946*, is further amended by adding thereto the following clause:

Rev. Stat.,
c. 266, s. 405,
par. 1,
amended.

(f) Notwithstanding anything in any general or special Act, the power of every municipal corporation in Ontario to grant bonuses in aid of any manufacturing business, including iron works, rolling mills, works for refining or smelting ores, grain elevators, a beet sugar factory and a tobacco drier or the land and business

Bonus by
fixed assess-
ment only.

of a cold storage plant to which aid by way of loan or grant has been or is being given by the Governments of Canada and Ontario or either of them is limited to a fixed assessment as provided in this paragraph.

Rev. Stat., c. 266, s. 405, amended. (2) The said section 405 is further amended by adding thereto the following paragraphs:

Industrial Sites.

Industrial sites.

- 1a. With the assent of the electors qualified to vote on money by-laws, or with the approval of the Department, for acquiring and expropriating land and selling or leasing the land for the purpose of sites for the establishment and carrying on of industries and industrial operations.

General by-law.

- (a) The assent of the electors may be obtained by the submission of a general by-law authorizing the acquiring or expropriating of land for industrial sites and for borrowing money for that purpose not exceeding a stated amount, and if the assent of the electors is obtained to the by-law the council may by a two-thirds vote of all the members and without further assent of the electors pass by-laws from time to time to borrow money for that purpose by the issue of debentures payable within a term of not more than thirty years from the issue thereof.

Approval of sales and leases.

Rev. Stat., c. 268.

- (b) No land heretofore acquired under *The Industrial Sites Act* or hereafter acquired under this paragraph shall be sold or leased except with the approval of the Department, and no such approval shall be given if the price or rental is, in the opinion of the Department, less than the fair market value or fair rental value, as the case may be.

Sales and leases hereunder deemed not bonuses.

- (c) Where land has been acquired under *The Industrial Sites Act*, or is acquired under a by-law passed under this paragraph, and is sold or leased with the approval of the Department, such sale or rental shall be deemed not to be a bonus within the meaning of clause f of paragraph 1.

.

Subsection 2. The new paragraph 1*a* added to section 405 re-enacts the provisions of *The Industrial Sites Act*, which Act is repealed by section 24 of this Bill. The only change in principle is that the approval of the Department of Municipal Affairs to sales of land purchased for industrial resale will be required in lieu of the approval by the county or district judge.

The new paragraph 31*a* will permit local municipalities to pass by-laws for prohibiting and regulating smoking in large retail shops or any classes thereof.

The new paragraph 47*a* will permit local municipalities to pass by-laws, with the assent of the electors, to authorize the laying of pipes in highways for the transmission of water and gas.

Subsection 3. The purpose of this subsection is to validate certain purchases of industrial sites by municipalities under the supposed authority of *The Planning Act*.

SECTION 19—Subsection 1. The new subsection 1aa added to section 406 will permit a municipality to provide in a zoning by-law, where there is an official plan in effect under *The Planning Act*, that the land covered by the by-law cannot be used for specified purposes without approval. This will enable municipalities to ensure, for example, in industrial areas that a gasoline storage depot, for example, will not be located immediately adjacent to a lumber yard.

The new subsection 5b ensures that the Municipal Board will be notified, in applications for or in respect of zoning by-laws, as to whether or not there is an official plan in effect under *The Planning Act* covering the land affected by the by-law.

Smoking in Shops.

- 31a. For regulating smoking in retail shops in which ten or more persons are employed, or in any class or classes thereof, and for prohibiting smoking in such shops or any class or classes thereof, or in any part or parts thereof. Smoking in shops.

Water and Gas Pipes in Highways.

- 47a. Subject to *The Municipal Franchises Act*, for authorizing the laying down, maintenance and use of pipes and other necessary works for the transmission of water or gas on, in, under, along or across any highway under the jurisdiction of the council. Water and gas pipes in highways. Rev. Stat., c. 277.

- (3) Where any municipality has heretofore acquired or purported to acquire land for the purpose of re-sale for industrial purposes in accordance with *The Planning Act, 1946*, such acquisition shall be deemed to have been legal, valid and binding, and where the municipality has sold such land or any part thereof for industrial purposes, the sale of such land shall be deemed to have been legal, valid and binding, and any part of such land not yet sold may hereafter be sold or leased as if it had been acquired under a by-law passed in accordance with paragraph 1a of section 405 of *The Municipal Act* as enacted by subsection 2 of this section. Lands already acquired for purposes of official plan. 1946, c. 71.

- 19.**—(1) Section 406 of *The Municipal Act*, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941* and amended by section 11 of *The Municipal Amendment Act, 1943*, section 50 of *The Municipal Amendment Act, 1946* and section 12 of *The Municipal Amendment Act, 1949*, is further amended by adding thereto the following subsections: Rev. Stat., c. 266, s. 406 (1941) c. 35, s. 13, subs. 1), amended.

- (1aa) Where an official plan is in effect in a municipality or a part thereof under *The Planning Act, 1946*, a by-law passed under this section may include a provision that no land, building or structure shall be used in the area covered by the by-law for such commercial or industrial purposes as are likely to create danger to health or danger from fire or explosion and as are specified in the by-law, without the approval in writing,— Uses for hazardous purposes. 1946, c. 71.

- (a) of the committee of adjustment constituted under section 14 of *The Planning Act, 1946*;
or

- (b) where no such committee has been established, of the planning board,

and where a by-law includes such provision, the committee or board shall give one copy of its written decision upon any application for approval to the applicant and shall file one copy with the clerk of the municipality, and where the committee or board has refused to grant any such application it shall, upon the request of the applicant, refer the matter to the Municipal Board, which Board may grant or refuse such approval and its decision shall be final and binding.

Application to state whether official plan in effect. 1946, c. 71.

- (5b) Every application to the Municipal Board for approval of a by-law passed under this section shall state whether or not the land affected by the by-law is covered by an official plan that is in effect under *The Planning Act, 1946*.

Rev. Stat., c. 266, s. 406, subs. 9 (1943, c. 16, s. 11, subs. 2), amended.

- (2) Subsection 9 of the said section 406, as enacted by subsection 2 of section 11 of *The Municipal Amendment Act, 1943* and amended by subsection 7 of section 50 of *The Municipal Amendment Act, 1946*, is further amended by striking out the words "under any provision" in the second and third lines and inserting in lieu thereof the words "any by-law", so that the subsection shall read as follows:

Extension or enlargement.

1941, c. 35.

- (9) Notwithstanding any other provision of this section, any by-law passed under this section or any by-law deemed to be consistent with this section by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*, may with the approval of the Municipal Board be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed.

Rev. Stat., c. 266, s. 406, subs. 9a (1946, c. 60, s. 50, subs. 8), amended.

- (3) Subsection 9a of the said section 406, as enacted by subsection 8 of section 50 of *The Municipal Amendment Act, 1946*, is amended by inserting after the word "section" in the second line the words "or any by-law deemed to be consistent with this section by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*", so that the subsection shall read as follows:

Appeal.

- (9a) Where an application to the council for an amendment to a by-law passed under this section, or any

Subsection 2. The section of the 1941 statute provided that certain "by-laws" were deemed to be consistent with section 406. The reference to "any provision" is therefore replaced by a reference to "any by-law".

Subsection 3. The effect of the amendment is to permit an applicant for an amendment to a by-law passed under the sections of the Act which dealt with restricted areas and which were repealed in 1941, to appeal to the Municipal Board from the refusal of council to grant the amendment or to make a decision on the application.

Subsection 4. The repealed subsection 10 authorized one member of the Municipal Board to hear and determine all applications in respect of zoning by-laws. Henceforth the provisions of *The Ontario Municipal Board Act*, which require two members to form a quorum, will apply to these matters.

SECTION 20. This amendment authorizes the passing of by-laws by cities, towns and villages and of townships bordering on a city having a population of not less than 100,000 to prohibit or regulate the sale by retail of fish and flowers in the highways or on vacant lots adjoining highways.

SECTION 21. The requirement of the approval of the Minister of Lands and Forests to by-laws for preserving or selling timber or trees on unopened original road allowances is new.

SECTION 22. The repealed Form 1 is the declaration of incorporation of a township by a district judge. As judges no longer have power to incorporate townships the form is repealed.

SECTION 23. The operative provisions of the repealed Act are added to paragraph 1 of section 405 of *The Municipal Act* by subsection 1 of section 18 of this Bill.

SECTION 24. The provisions of the repealed Act, with some modifications are added to *The Municipal Act* as paragraph 1a of section 405 by subsection 2 of section 18 of this Bill.

by-law deemed to be consistent with this section by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*, is refused or the council refuses or neglects to make a decision thereon within one month after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Municipal Board shall hear the appeal and dismiss the same or direct that the by-law be amended in accordance with its order.

(4) Subsection 10 of the said section 406, as enacted by subsection 2 of section 11 of *The Municipal Amendment Act, 1943*, is repealed.

Rev. Stat.,
c. 266, s. 406,
subs. 10
(1943,
c. 16, s. 11,
subs. 2),
repealed.

20. Paragraph 2 of section 408 of *The Municipal Act* is amended by inserting after the word "meat" in the second line the word "fish" and by inserting after the word "fruit" in the third line the word "flowers", so that the paragraph shall read as follows:

Rev. Stat.,
c. 266, s. 408,
para. 2,
amended.

2. For prohibiting or regulating the sale by retail in the highways or on vacant lots adjacent to them of any meat, fish, vegetables, grain, hay, fruit, flowers, beverages, smallwares and other articles, and for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise.

Regulating
vending in
streets, etc.

21. Paragraph 5 of section 507 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 507,
para. 5,
re-enacted.

5. For preserving or selling the timber or trees on any original allowance for road, subject however to the rights, if any, of a Crown timber licensee under *The Crown Timber Act* and, in the case of an unopened original allowance for road, subject also to the approval of the Minister of Lands and Forests.

Timber on
road
allowances.
Rev. Stat.,
c. 36.

22. Form 1 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266,
Form 1,
repealed.

23. *The Bonus Limitation Act* is repealed.

Rev. Stat.,
c. 267,
repealed.

24. *The Industrial Sites Act* is repealed.

Rev. Stat.,
c. 268,
repealed.

25. This Act shall come into force on the day it receives the Royal Assent, and paragraph 47a of section 405 of *The Municipal Act*, as enacted by subsection 2 of section 18 of this Act shall be deemed to have come into force on the 5th day of April, 1946.

Commence-
ment of Act.

26. This Act may be cited as *The Municipal Amendment Act, 1950*.

Short title.

BILL

An Act to amend The Municipal Act.

1st Reading

March 20th, 1950

2nd Reading

March 23rd, 1950

3rd Reading

MR. DUNBAR

(Reprinted as amended by the Committee on
Municipal Law.)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Municipal Act.

MR. DUNBAR

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 8 of section 23 of *The Municipal Act*, Rev. Stat., c. 266, s. 23, subs. 8 (1939, c. 30, s. 2), amended as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, is amended by adding thereto the following clause:

(ee) where the holder of an operating license under *The Public Vehicle Act, 1949* 1949, c. 86. is adversely affected by the annexation or amalgamation,

- (i) may authorize the municipality or municipalities to pay to the holder of the license in respect of such adverse effect the amount of compensation agreed upon, or
- (ii) may direct what compensation, if any, shall be paid by the municipality or municipalities to the holder of the license in respect of such adverse effect.

(2) Subsection 14 of the said section 23, as re-enacted by subsection 3 of section 2 of *The Municipal Amendment Act, 1947*, Rev. Stat., c. 266, s. 23, subs. 14 (1947, c. 69, s. 2, subs. 3), amended. is amended by striking out the word "fourteen" in the second line and inserting in lieu thereof the word "twenty-eight", so that the subsection shall read as follows:

- (14) An amalgamation or annexation order shall not come into force until twenty-eight days after it is made and if during that period objection thereto is filed with the Municipal Board, the order shall not come into force,—
Amalgamation, annexation orders, — when to come into force.

- (a) until the objection is withdrawn, in which case the Municipal Board may name the day upon which the order came or will come into force; or

- (b) until it is confirmed by special Act, in which case the Act shall name the day upon which it came or will come into force.

Rev. Stat.,
c. 266, s. 44e,
subs. 1
(1943,
c. 16, s. 2),
re-enacted.

2.—(1) Subsection 1 of section 44e of *The Municipal Act*, as enacted by section 2 of *The Municipal Amendment Act*, 1943, is repealed and the following substituted therefor:

Dissolution
of municipi-
palities or
parts
thereof.

(1) Upon the application,—

- (a) of a municipality to have the municipality dissolved; or
- (b) of a municipality in unorganized territory to have a part or parts of the municipality dissolved,

the Municipal Board may by order on such terms as it may deem expedient,

- (c) dissolve the municipality; or
- (d) detach from the municipality and dissolve such part or parts or any larger or smaller part or parts,

as the case may be, and the order shall take effect on the day named therein.

Where appli-
cation in
respect of
part only.

- (1a) In the case of an application under clause *b* of subsection 1, for the purposes of the other provisions of this section “municipality” shall mean the part or parts of the municipality in respect of which the application is made or the order is made, as the case may require.

Rev. Stat.,
c. 266, s. 44e,
subs. 5, cl. c,
(1943,
c. 16, s. 2),
amended.

(2) Clause *c* of subsection 5 of the said section 44e is amended by inserting after the word “to” in the fourth line the words “and the manner in” and by adding at the end thereof the words “or otherwise”, so that the clause shall read as follows:

- (c) define the municipality dissolved as a special area and adjust the rights, claims, liabilities and obligations of the ratepayers of such area and provide the extent to and the manner in which the liabilities of the municipality shall be discharged by the imposition of rates upon the rateable property in such area, or otherwise.

Rev. Stat.,
c. 266, s. 47,
subs. 3,
amended.

3. Subsection 3 of section 47 of *The Municipal Act* is amended by striking out the words “six or nine” in the fourth and fifth lines and inserting in lieu thereof the words “four, six, seven or nine”, so that the subsection shall read as follows:

- (3) Where a town in unorganized territory has been divided into wards the council may provide that the council shall be composed of a mayor, and one councillor for each ward, and the remaining councillors to complete the full number of four, six, seven or nine, as the case may be, to be elected by general vote. Election by wards.
4. Subsections 4, 5 and 6 of section 48 of *The Municipal Act* are repealed and the following substituted therefor: Rev. Stat., c. 266, s. 48, subs. 4-6, re-enacted.
- (4) A by-law passed under section 47 or under subsection 2 or 3 of this section shall not be repealed until two annual elections have been held under it. Repeal of by-laws.
- (5) A by-law passed under section 47 or under subsection 2 or 3 of this section, and a by-law repealing any such by-law, shall be passed not later in the year than the 1st day of November, and shall not be passed unless it has received the assent of the municipal electors. Time for passing of by-laws; assent of electors.
- (6) Every such by-law, including a repealing by-law, shall take effect at and for the purposes of the annual election next after its passing. When by-law to take effect.
- 5.—(1) Subsection 1 of section 53 of *The Municipal Act*, as amended by section 6 of *The Municipal Amendment Act, 1939*, section 1 of *The Municipal Amendment Act, 1940*, section 1 of *The Municipal Amendment Act, 1941*, section 7 of *The Municipal Amendment Act, 1947* and subsection 1 of section 2 of *The Municipal Amendment Act, 1948*, is further amended by adding thereto the following clauses: Rev. Stat., c. 266, s. 53, subs. 1, amended.
- (ee) a trustee of a police village;
-
- (ff) a person other than the head of the council who is an appointed or elected member of a board, commission or other body to which the construction, management or control of a public utility belonging to the corporation of the municipality is entrusted under *The Public Utilities Act, The Power Commission Act* or any special Act. Rev. Stat., c. 266, s. 53, subs. 1, cl. o, subcl. i, re-enacted.
- (2) Subclause i of clause o of subsection 1 of the said section 53, as amended by section 1 of *The Municipal Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 53, subs. 1, cl. o, subcl. i, re-enacted.
- (i) "contract" in this clause includes a contract, other than a teacher's contract, with a public or high school board or a board of education.

Rev. Stat.,
c. 266, s. 53,
subs. 3,
amended.

(3) Subsection 3 of the said section 53, as amended by section 2 of *The Municipal Amendment Act, 1949*, is further amended by adding thereto the following clause:

- (h) while being a member of council, of his acting in the place and stead of the head of the council as a member of any board, commission or other body of which the head of the council is a member *ex officio* under any general or special Act.

Rev. Stat.,
c. 266, s. 65,
subs. 1
(1947,
c. 69, s. 9),
amended.

6. Subsection 1 of section 65 of *The Municipal Act*, as re-enacted by section 9 of *The Municipal Amendment Act, 1947* and amended by section 3 of *The Municipal Amendment Act, 1948*, is further amended by adding at the end thereof the words "but no such by-law shall be amended or repealed after the 1st day of November in any year", so that the subsection shall read as follows

Power to
fix nomination
and
polling day.

- (1) The council may, not later in the year than the 1st day of November, fix the day for the meeting of electors for the nomination of candidates for council and for any local board or commission any members of which are to be elected by ballot by the electors and the day for the polling, provided that the days so fixed occur during the period from the 15th day of November to the 2nd day of January both inclusive, and are other than a Sunday or the 24th, 25th or 31st days of December, and that the day fixed for nominations is not less than seven days prior to the day fixed for polling, and the by-law shall remain in force from year to year until repealed, but no such by-law shall be amended or repealed after the 1st day of November in any year.

Rev. Stat.,
c. 266, s. 122,
amended.

7. Section 122 of *The Municipal Act* is amended by adding thereto the following subsection:

Certificate
where voter
unable to
read.

- (7) Where a voter has made the declaration (Form 12) of his inability to read, the deputy returning officer shall complete and subscribe to the certificate (Form 14).

Rev. Stat.,
c. 266, s. 134,
re-enacted.

8. Section 134 of *The Municipal Act* is repealed and the following substituted therefor:

Poll book,
etc., to be
placed in
ballot box.

134. The poll book, the voters' list, the packets containing the ballot papers, and all other documents which served at the election shall be placed in the ballot box, except,—

- (a) the duplicate statement;

(b) the oath of the deputy returning officer, Form 16;

(c) the oath of the poll clerk, Form 16 or similar oath; and

(d) the oath of the person, if any, chosen to deliver the ballot box to the clerk, Form 15.

9. Subsection 7 of section 257 of *The Municipal Act*, as enacted by section 33 of *The Municipal Amendment Act, 1946*, is amended by inserting after the word "Act" in the fourth line and by adding after the word "territory" in the eighth line, respectively, the words "except a school board", so that the subsection shall read as follows:

Rev. Stat.,
c. 266, s. 257,
subs. 7
(1946,
c. 60, s. 33),
amended.

(7) This section shall apply *mutatis mutandis* to the treasurer and every other officer as the board may require of a local board as defined in *The Department of Municipal Affairs Act*, except a school board, and to every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory, except a school board.

Local boards
and author-
ities.
Rev. Stat.,
c. 59.

10.—(1) Section 265 of *The Municipal Act*, as re-enacted by section 35 of *The Municipal Amendment Act, 1946*, is amended by adding thereto the following subsection:

Rev. Stat.,
c. 266, s. 265
(1946,
c. 60, s. 35),
amended.

(1a) "Pension payments" in subsection 1 shall mean only pension payments that have resulted from the joint contributions of employer and employee, and does not include any such payments that have resulted solely from contributions of the employee.

"Pension
payments",
defined.

(2) Subsection 2 of the said section 265 is amended by striking out the words "day on which this Act comes into force" in the third and fourth lines and inserting in lieu thereof the words and figures "5th day of April, 1946", so that the subsection shall read as follows:

Rev. Stat.,
c. 266, s. 265,
subs. 2
(1946,
c. 60, s. 35),
amended.

(2) Where an employees' pension plan is in operation, this section shall apply only to employees who were in the employ of the municipality on the 5th day of April, 1946, and in any event shall not apply to any employee who enters the service of the municipality after the 1st day of January, 1948.

Application
of section.

11. *The Municipal Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 266,
amended.

Debentures
for joint
under-
takings.

275a.—(1) Where under this or any other general Act, two or more municipalities are authorized or required jointly to provide moneys for any purpose, and it is necessary to raise such moneys by the issue of debentures, the Municipal Board upon the application of the council of one or more of such municipalities may by order authorize one of such municipalities to raise the whole amount required by the issue of its debentures, or to raise its portion of the moneys and the portion of one or more of the other municipalities by the issue of its debentures, and may by its order relieve the other municipalities or such other municipalities, as the case may be, from the necessity of issuing debentures.

Annual
rates.

(2) Where, under an order of the Municipal Board under subsection 1, any municipality issues debentures for the portion of the moneys required to be raised by another municipality, the other municipality shall provide and raise by a special rate on all the rateable property in the municipality liable therefor, in each year of the currency of the debentures, a sum sufficient to pay its share of the principal and interest falling due in such year upon such debentures, such share to be determined in the proportion that that municipality's portion of the moneys required to be raised bears to the total amount of the debenture issue.

Payment to
municipality
issuing
debentures.

(3) The sum to be raised annually by such other municipality shall be paid to the treasurer of the municipality which issued the debentures not later than the date in each year fixed by the order of the Municipal Board, and if not paid by such date shall bear interest at the rate of six per centum per annum until paid.

Consent
required.

(4) No order of the Municipal Board under this section shall require a municipality, without its consent, to issue debentures to provide moneys required to be raised by another municipality.

Limited
application
of section.

(5) This section shall not apply where the Act under which the moneys are authorized or required to be raised contains provisions similar in effect to the provisions of this section.

Rev. Stat.,
c. 266, s. 289,
amended.

12. Section 289 of *The Municipal Act* is amended by adding thereto the following subsection:

- (2) In a municipality divided into wards or polling subdivisions, or both, the ballot paper, Form 24 or 25, may by by-law be varied to show the names or numbers of the wards and the numbers of the polling subdivisions, and the form of ballot paper illustrated in Form 26 shall be varied accordingly. Designation of wards and polling subdivisions.

13. Subsection 5 of section 314 of *The Municipal Act*, as amended by subsection 1 of section 28 of *The Municipal Amendment Act, 1947*, is further amended by adding at the commencement thereof the words "Subject to section 67 of *The Ontario Municipal Board Act*", so that the subsection shall read as follows: Rev. Stat., c. 266, s. 314, subs. 5, amended.

- (5) Subject to section 67 of *The Ontario Municipal Board Act*, every by-law registered in accordance with the provisions of subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures shall be valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws to which subsection 4 applies, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought is registered in such registry office within such period of three months, or one month, as the case may be. Application to quash registered by-law — when to be made. Rev. Stat., c. 60.

14. Subsection 3 of section 334 of *The Municipal Act* is amended by striking out the figures "200,000" in the first line and inserting in lieu thereof the figures "90,000", so that the subsection shall read as follows: Rev. Stat., c. 266, s. 334, subs. 3, amended.

- (3) In a city having a population of not less than 90,000, the signature of the head of the council of the said corporation to all debentures or other like instruments issued by the said corporation may be written, stamped, lithographed or engraved and if such debentures or other like instruments are countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be stamped, lithographed or engraved. Execution of debentures.

15. Section 338a of *The Municipal Act*, as enacted by section 46 of *The Municipal Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 338a (1946, c. 60, s. 46), re-enacted.

Where
debentures
sold at
premium.

338a.—(1) Where on the sale of the whole or any part of an issue of debentures, a premium is derived and moneys in addition to the principal sum of the debentures are required for the purpose or purposes for which the debentures were issued, the premium shall be applied to such purpose or purposes.

Idem.

(2) Where the whole or any part of the premium is not required for the purpose or purposes for which the debentures were issued, the amount of the premium or of the part not so required shall be applied as follows:

(a) Where the amount is sufficient to redeem one or more debentures of the latest maturity, it shall be applied for that purpose.

(b) Where the amount is not sufficient to redeem a debenture, or where a balance remains after redemption as required by clause *a*, the amount or the balance, as the case may be, shall be applied on the first annual payment of principal and interest on the debentures, and the levy made in the first year for such purpose shall be reduced accordingly.

Where sold
at discount.

(3) Where on the sale of the whole or any part of an issue of debentures of a municipality a deficit is sustained and the amount of the deficit, or any part thereof is required for the purpose or purposes for which the debentures were issued and was not fully estimated and provided for in the amount of debenture issue, the amount of the deficit or the part so required, shall be added to the sum to be raised for the first annual payment of principal and interest on the debentures, and the levy made in the first year for such purpose shall be increased accordingly.

Rev. Stat.,
c. 266, s. 388,
amended.

16. Section 388 of *The Municipal Act*, as amended by section 11 of *The Municipal Amendment Act, 1948* and section 8 of *The Municipal Amendment Act, 1949*, is further amended by adding thereto the following subsection:

Bonus.

(2a) The Lieutenant-Governor in Council may authorize the county or city, as the case may be, to pay to the gaoler and gaol employees, other than the gaol surgeon, such bonuses as the Lieutenant-Governor in Council may prescribe.

Rev. Stat.,
c. 266, s. 404,
para. 41a
(1939,
c. 30, s. 23,
subs. 2),
amended.

17.—(1) Paragraph 41a of section 404 of *The Municipal Act*, as enacted by subsection 2 of section 23 of *The Municipal*

Amendment Act, 1939 and amended by subsection 2 of section 10 of *The Municipal Amendment Act, 1941*, subsections 5, 7 and 8 of section 36 of *The Municipal Amendment Act, 1944*, subsections 6, 7 and 8 of section 48 of *The Municipal Amendment Act, 1946* and subsection 2 of section 31 of *The Municipal Amendment Act, 1947*, is further amended by adding thereto the following clause:

(h) Where an employee,

Transfer of
pension
funds.

(i) becomes a member of the civil service of Ontario or Canada,

(ii) becomes an employee of another municipality,
or

(iii) becomes a member of the staff of any board, commission or public institution established under any Act of this Legislature,

the council may by by-law authorize the transfer of, or may transfer, the whole or any part of any money standing to the credit of the employee in connection with a pension plan or fund established for employees of the municipality or a local board, to any like plan or fund maintained to provide superannuation benefits for the members of such civil or civic service or such staff, as the case may be.

(2) Paragraph 49 of the said section 404 is amended by adding at the end thereof the words "and to any local community nursing registry approved by the Registered Nurses' Association of Ontario", so that the paragraph shall read as follows:

Rev. Stat.,
c. 266, s. 404,
para. 49,
amended.

49. For granting aid to the Victorian Order of Nurses and to any local community nursing registry approved by the Registered Nurses' Association of Ontario.

Aid to
nursing
organiza-
tions.

18.—(1) Paragraph 1 of section 405 of *The Municipal Act*, as amended by section 24 of *The Municipal Amendment Act, 1939* and subsection 1 of section 49 of *The Municipal Amendment Act, 1946*, is further amended by adding thereto the following clause:

Rev. Stat.,
c. 266, s. 405,
par. 1,
amended.

(f) Notwithstanding anything in any general or special Act, the power of every municipal corporation in Ontario to grant bonuses in aid of any manufacturing business, including iron works, rolling mills, works for refining or smelting ores, grain elevators, a beet sugar factory and a tobacco drier or the land and business

Bonus by
fixed assess-
ment only.

of a cold storage plant to which aid by way of loan or grant has been or is being given by the Governments of Canada and Ontario or either of them is limited to a fixed assessment as provided in this paragraph.

Rev. Stat., c. 266, s. 405, amended. (2) The said section 405 is further amended by adding thereto the following paragraphs:

Industrial Sites.

Industrial sites.

- 1a. With the assent of the electors qualified to vote on money by-laws, or with the approval of the Department, for acquiring and expropriating land and selling or leasing the land for the purpose of sites for the establishment and carrying on of industries and industrial operations.

General by-law.

- (a) The assent of the electors may be obtained by the submission of a general by-law authorizing the acquiring or expropriating of land for industrial sites and for borrowing money for that purpose not exceeding a stated amount, and if the assent of the electors is obtained to the by-law the council may by a two-thirds vote of all the members and without further assent of the electors pass by-laws from time to time to borrow money for that purpose by the issue of debentures payable within a term of not more than thirty years from the issue thereof.

Approval of sales and leases.

Rev. Stat., c. 268.

- (b) No land heretofore acquired under *The Industrial Sites Act* or hereafter acquired under this paragraph shall be sold or leased except with the approval of the Department, and no such approval shall be given if the price or rental is, in the opinion of the Department, less than the fair market value or fair rental value, as the case may be.

Sales and leases hereunder deemed not bonuses.

- (c) Where land has been acquired under *The Industrial Sites Act*, or is acquired under a by-law passed under this paragraph, and is sold or leased with the approval of the Department, such sale or rental shall be deemed not to be a bonus within the meaning of clause *f* of paragraph 1.

.

Smoking in Shops.

- 31a. For regulating smoking in retail shops in which ten or more persons are employed, or in any class or classes thereof, and for prohibiting smoking in such shops or any class or classes thereof, or in any part or parts thereof.

Smoking
in shops.

.

Water and Gas Pipes in Highways.

- 47a. Subject to *The Municipal Franchises Act*, for authorizing the laying down, maintenance and use of pipes and other necessary works for the transmission of water or gas on, in, under, along or across any highway under the jurisdiction of the council.

Water and
gas pipes
in highways.
Rev. Stat.,
c. 277.

(3) Where any municipality has heretofore acquired or purported to acquire land for the purpose of re-sale for industrial purposes in accordance with *The Planning Act, 1946*, such acquisition shall be deemed to have been legal, valid and binding, and where the municipality has sold such land or any part thereof for industrial purposes, the sale of such land shall be deemed to have been legal, valid and binding, and any part of such land not yet sold may hereafter be sold or leased as if it had been acquired under a by-law passed in accordance with paragraph 1a of section 405 of *The Municipal Act* as enacted by subsection 2 of this section.

Lands
already
acquired for
purposes of
official plan.
1946, c. 71.

19.—(1) Section 406 of *The Municipal Act*, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941* and amended by section 11 of *The Municipal Amendment Act, 1943*, section 50 of *The Municipal Amendment Act, 1946* and section 12 of *The Municipal Amendment Act, 1949*, is further amended by adding thereto the following subsections:

Rev. Stat.,
c. 266, s. 406
(1941,
c. 35, s. 13,
subs. 1),
amended.

- (1aa) Where an official plan is in effect in a municipality or a part thereof under *The Planning Act, 1946*, a by-law passed under this section may include a provision that no land, building or structure shall be used in the area covered by the by-law for such commercial or industrial purposes as are likely to create danger to health or danger from fire or explosion and as are specified in the by-law, without the approval in writing,—

Uses for
hazardous
purposes.
1946, c. 71.

- (a) of the committee of adjustment constituted under section 14 of *The Planning Act, 1946*;
or

- (b) where no such committee has been established, of the planning board,

and where a by-law includes such provision, the committee or board shall give one copy of its written decision upon any application for approval to the applicant and shall file one copy with the clerk of the municipality, and where the committee or board has refused to grant any such application it shall, upon the request of the applicant, refer the matter to the Municipal Board, which Board may grant or refuse such approval and its decision shall be final and binding.

.

Application to state whether official plan in effect. 1946, c. 71.

- (5b) Every application to the Municipal Board for approval of a by-law passed under this section shall state whether or not the land affected by the by-law is covered by an official plan that is in effect under *The Planning Act, 1946*.

Rev. Stat., c. 266, s. 406, subs. 9 (1943, c. 16, s. 11, subs. 2), amended.

- (2) Subsection 9 of the said section 406, as enacted by subsection 2 of section 11 of *The Municipal Amendment Act, 1943* and amended by subsection 7 of section 50 of *The Municipal Amendment Act, 1946*, is further amended by striking out the words "under any provision" in the second and third lines and inserting in lieu thereof the words "any by-law", so that the subsection shall read as follows:

Extension or enlargement.

1941, c. 35.

- (9) Notwithstanding any other provision of this section, any by-law passed under this section or any by-law deemed to be consistent with this section by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*, may with the approval of the Municipal Board be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed.

Rev. Stat., c. 266, s. 406, subs. 9a (1946, c. 60, s. 50, subs. 8), amended.

- (3) Subsection 9a of the said section 406, as enacted by subsection 8 of section 50 of *The Municipal Amendment Act, 1946*, is amended by inserting after the word "section" in the second line the words "or any by-law deemed to be consistent with this section by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*", so that the subsection shall read as follows:

Appeal.

- (9a) Where an application to the council for an amendment to a by-law passed under this section, or any

by-law deemed to be consistent with this section by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*, is refused or the council refuses or neglects to make a decision thereon within one month after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Municipal Board shall hear the appeal and dismiss the same or direct that the by-law be amended in accordance with its order.

(4) Subsection 10 of the said section 406, as enacted by subsection 2 of section 11 of *The Municipal Amendment Act, 1943*, is repealed.

Rev. Stat.,
c. 266, s. 406,
subs. 10
(1943,
c. 16, s. 11,
subs. 2),
repealed.

20. Paragraph 2 of section 408 of *The Municipal Act* is amended by inserting after the word "meat" in the second line the word "fish" and by inserting after the word "fruit" in the third line the word "flowers", so that the paragraph shall read as follows:

Rev. Stat.,
c. 266, s. 408,
para. 2,
amended.

2. For prohibiting or regulating the sale by retail in the highways or on vacant lots adjacent to them of any meat, fish, vegetables, grain, hay, fruit, flowers, beverages, smallwares and other articles, and for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise.

Regulating
vending in
streets, etc.

21. Paragraph 5 of section 507 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 507,
para. 5,
re-enacted.

5. For preserving or selling the timber or trees on any original allowance for road, subject however to the rights, if any, of a Crown timber licensee under *The Crown Timber Act* and, in the case of an unopened original allowance for road, subject also to the approval of the Minister of Lands and Forests.

Timber on
road
allowances.

Rev. Stat.,
c. 36.

22. Form 1 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266,
Form 1,
repealed.

23. *The Bonus Limitation Act* is repealed.

Rev. Stat.,
c. 267,
repealed.

24. *The Industrial Sites Act* is repealed.

Rev. Stat.,
c. 268,
repealed.

25. This Act shall come into force on the day it receives the Royal Assent, and paragraph 47a of section 405 of *The Municipal Act*, as enacted by subsection 2 of section 18 of this Act shall be deemed to have come into force on the 5th day of April, 1946.

Commence-
ment of Act.

26. This Act may be cited as *The Municipal Amendment Act, 1950*.

Short title.

BILL

An Act to amend The Municipal Act.

1st Reading

March 20th, 1950

2nd Reading

March 23rd, 1950

3rd Reading

April 5th, 1950

MR. DUNBAR

No. 113

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Land Transfer Tax Act.

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This provision is new and is in line with what has been the practice for some years. It is designed to prevent tax evasions that are now possible when, for instance, the consideration for a transfer consists of shares in an unlisted company or other property that is difficult to value accurately, or as respects which opinion as to value may differ.

No. 113

1950

BILL

An Act to amend The Land Transfer Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Land Transfer Tax Act* is amended by adding thereto the following subsection: Rev. Stat., c. 31, s. 5, amended.

(3a) If the registrar or master is not satisfied that the affidavit sets out the true consideration for the sale or transfer, he may refuse to register the instrument to which the affidavit relates until the Controller of Revenue has signified over his signature that he is satisfied that the consideration stated in the affidavit is the true consideration. Reference to Controller of Revenue.

2. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Land Transfer Tax Amendment Act, 1950*. Short title.

An Act to amend The Land Transfer
Tax Act.

1st Reading

March 21st, 1950

2nd Reading

3rd Reading

MR. FROST

No. 113

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Land Transfer Tax Act.

MR. FROST

TORONTO
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1950

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Controller
of Revenue.

2. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment of Act.

3. This Act may be cited as *The Land Transfer Tax Amendment Act, 1950*. Short title.

BILL

An Act to amend The Land Transfer
Tax Act.

1st Reading

March 21st, 1950

2nd Reading

March 23rd, 1950

3rd Reading

March 27th, 1950

MR. FROST

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Hospitals Tax Act, 1948.

MR. FROST

EXPLANATORY NOTES

SECTION 1. The entire section is re-enacted for convenience. Clauses *b*, *j* and *m* are unchanged. Clauses *a*, *e*, *f*, *h* and *i* are amended. Clauses *c*, *d*, *g*, *k* and *l* are new.

BILL

An Act to amend The Hospitals Tax Act, 1948.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Hospitals Tax Act, 1948* is repealed and the following substituted therefor: 1948,
c. 41, s. 1,
re-enacted.

1. In this Act,

Interpre-
tation, —

(a) "admission" includes entry to any place of amusement or place of entertainment where any charge is made or fee is collected before or after entry; "admission";

(b) "Controller" means Controller of Revenue; "Controller";

(c) "entertainment by one or more paid performers" where the entertainment is incidental to the service of food or the service of liquor, beer or wine, includes, "entertainment by one or more paid performers";

(i) whether or not facilities for dancing are provided, any performance that is not a musical performance or is not wholly a musical performance,

and includes,

(ii) where facilities for dancing are not provided, a musical performance by three or more vocalists, or by one instrumentalist and two or more vocalists, or by a band, orchestra or group of instrumentalists if more than one musical performer who is not a regular member of such band, orchestra or group performs therewith, and in this subclause "regular member" means a

performer who has a contract to perform regularly with such group of performers and, pursuant to such contract, is paid for his services by the leader of the group or by the employer of such group on not less than a weekly basis whether or not such group performs during each week for which such performer is paid;

"facilities
for
dancing";

- (d) "facilities for dancing" means a cleared dance floor when music for dancing is provided by any means;

"owner";

- (e) "owner" means a person who operates a place of amusement or a place of entertainment, or both;

"place of
amuse-
ment";

- (f) "place of amusement" means any premises or place, whether enclosed or not, where any cinematograph or moving picture machine or similar apparatus is operated, or where any theatrical performance, carnival, circus, sideshow, menagerie, concert, rodeo, exhibition, horse race, athletic contest or other performance is staged or held, and to which admission is granted upon payment of a price of admission through the sale of tickets or otherwise;

"place of
entertain-
ment";

- (g) "place of entertainment" means any premises or place, whether enclosed or not,
- (i) where facilities for dancing are provided with or without the service of food or the service of liquor, beer or wine, or
 - (ii) where entertainment by one or more paid performers is provided with the service of food or the service of liquor, beer or wine,

but no premises or place shall be deemed to be a place of entertainment on any day until facilities for dancing are provided or entertainment by one or more paid performers is provided and, thereafter, such premises or place shall be a place of entertainment until every condition that made the premises or place a place of entertainment has ceased;

SECTION 2. The present Act deals only with "places of amusement" as defined. This general classification is now broken into two groups, "places of amusement" and "places of entertainment". The former includes theatres and the like and the latter includes cabarets, night clubs and the like. See clauses *f* and *g* of section 1 of the Act as re-enacted by section 1 of this Bill. The amendment made by this section is complementary.

SECTION 3. This section sets out the taxes payable under the Act after April 1st as announced in the Budget Address.

- (h) "price of admission" includes every charge ^{"price of admission";} made to or fee collected from a purchaser by an owner before or after admission to a place of amusement or place of entertainment and includes, when it is for admission to a place of entertainment, every cover charge and every charge for the service of food or the service of liquor, beer or wine;
- (i) "purchaser" means any person who purchases ^{"purchaser";} admission for himself to any place of amusement or place of entertainment and includes any person for whom admission to any place of amusement or place of entertainment is purchased by any other person;
- (j) "regulations" means regulations made under ^{"regulations";} this Act;
- (k) "service of liquor, beer or wine" means the ^{"service of liquor, beer or wine";} service of liquor, beer or wine to a purchaser in a place from which, in order to use facilities for dancing or to view entertainment by one or more paid performers, he is not required to pass through a doorway or through more than one doorway;
- (l) "service of food" means the service of food or ^{"service of food";} beverages, other than liquor, beer or wine, to the purchaser at a table in a place from which, in order to use facilities for dancing or to view entertainment by one or more paid performers, he is not required to pass through a doorway or through more than one doorway;
- (m) "Treasurer" means Treasurer of Ontario. ^{"Treasurer".}

2. Subsection 1 of section 2 of *The Hospitals Tax Act, 1948* ^{1948, c. 41, s. 2, subs. 1, amended.} is amended by inserting after the words "place of amusement" in the first and second lines the words "or place of entertainment".

3. Section 3 of *The Hospitals Tax Act, 1948* is repealed ^{1948, c. 41, s. 3, re-enacted.} and the following substituted therefor:

3.—(1) Every purchaser of admission to a place of amusement shall pay to the Treasurer for the use of His Majesty in right of Ontario a tax on the price of admission as follows: ^{Tax on admission to places of amusement.}

Price of Admission						Tax	
More than 15 cents and not more than 18 cents	—	2 cents					
" " 18 "	"	"	"	"	"	23	" — 3 "
" " 23 "	"	"	"	"	"	31	" — 4 "
" " 31 "	"	"	"	"	"	36	" — 5 "
" " 36 "	"	"	"	"	"	44	" — 6 "
" " 44 "	"	"	"	"	"	50	" — 7 "
" " 50 "	"	"	"	"	"	57	" — 8 "
" " 57 "	"	"	"	"	"	64	" — 9 "
" " 64 "	"	"	"	"	"	70	" — 10 "
" " 70 "	"	"	"	"	"	77	" — 11 "
" " 77 "	"	"	"	"	"	83	" — 12 "
" " 83 "	"	"	"	"	"	90	" — 13 "
" " 90 "	"	"	"	"	"	96	" — 14 "
" " 96 "	"	"	"	"	"	99	" — 15 "

and where the price of admission is more than 99 cents, a tax at the rate of fifteen per centum calculated upon the price of admission, and in the calculation every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent.

Tax on admission to places of entertainment.

- (2) Every purchaser of admission to a place of entertainment shall pay to the Treasurer for the use of His Majesty in right of Ontario,

(a) a tax at the rate of fifteen per centum calculated upon the price of admission where such price is less than six dollars and sixty-six cents; and

(b) a tax of one dollar where such price is six dollars and sixty-six cents or more,

and in the calculation under clause *a*, every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent.

1948, c. 41, s. 4, repealed.

4. Section 4 of *The Hospitals Tax Act, 1948* is repealed.

1948, c. 41, s. 6, re-enacted.

5. Section 6 of *The Hospitals Tax Act, 1948* is repealed and the following substituted therefor:

Price of admission and tax.

- 6.—(1) Every owner shall inform every purchaser of admission the price or prices of admission to his place of amusement or place of entertainment and of the amount of the tax to be paid by the purchaser by placing in public view at the office of the owner where admission may be purchased a schedule showing such price or prices and the amount of such tax.

SECTION 4. Section 4 of the Act provided for the payment of the taxes collected under the Act to be paid into the Hospital Aid Fund. This practice is to be discontinued and the taxes paid into the Consolidated Revenue Fund in the usual way as mentioned in the Budget Address.

SECTION 5. Self explanatory. Subsection 2 of section 6 of the Act is new.

SECTIONS 6, 7, 8. See note to section 2 of this Bill. These amendments are complementary.

- (2) For the purposes of subsection 2 of section 3, every owner shall collect the tax on each part of the price of admission and shall give each purchaser a receipt for each such part so that each purchaser may know when he has paid the maximum tax. ^{Receipt for tax.}

6. Subsection 2 of section 9 of *The Hospitals Tax Act*, 1948, c. 41, 1948 is amended by inserting after the word "amusement" in the third line the words "or place of entertainment" and by inserting after the word "such" in the eighteenth line the words "place of amusement or place of". ^{s. 9, subs. 2, amended.}

7. Subsection 2 of section 10 of *The Hospitals Tax Act*, 1948, c. 41, 1948 is amended by inserting after the word "amusement" where it appears in the sixth and ninth lines respectively the words "or place of entertainment". ^{s. 10, subs. 2, amended.}

8.—(1) Subsection 6 of section 11 of *The Hospitals Tax Act*, 1948, c. 41, 1948 is amended by inserting after the words "place of amusement" in the third line the words "or place of entertainment". ^{s. 11, subs. 6, amended.}

(2) Subsection 7 of the said section 11 is amended by inserting after the words "place of amusement" where they occur in the third and fourth lines and in the sixth line respectively the words "or place of entertainment". ^{s. 11, subs. 7, amended.}

9. This Act shall come into force on the 1st day of April, 1950. ^{Commencement of Act.}

10. This Act may be cited as *The Hospitals Tax Amendment Act, 1950*. ^{Short title.}

BILL

An Act to amend
The Hospitals Tax Act, 1948.

1st Reading

March 21st, 1950

2nd Reading

3rd Reading

MR. FROST

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Hospitals Tax Act, 1948.

MR. FROST

BILL

An Act to amend The Hospitals Tax Act, 1948.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Hospitals Tax Act, 1948* is repealed and the following substituted therefor: 1948,
c. 41, s. 1,
re-enacted.

1. In this Act,

Interpre-
tation, —

(a) "admission" includes entry to any place of amusement or place of entertainment where any charge is made or fee is collected before or after entry;

(b) "Controller" means Controller of Revenue; "Controller":

(c) "entertainment by one or more paid performers" where the entertainment is incidental to the service of food or the service of liquor, beer or wine, includes, "entertain-
ment by one
or more paid
performers";

(i) whether or not facilities for dancing are provided, any performance that is not a musical performance or is not wholly a musical performance,

and includes,

(ii) where facilities for dancing are not provided, a musical performance by three or more vocalists, or by one instrumentalist and two or more vocalists, or by a band, orchestra or group of instrumentalists if more than one musical performer who is not a regular member of such band, orchestra or group performs therewith, and in this subclause "regular member" means a

performer who has a contract to perform regularly with such group of performers and, pursuant to such contract, is paid for his services by the leader of the group or by the employer of such group on not less than a weekly basis whether or not such group performs during each week for which such performer is paid;

"facilities
for
dancing";

- (d) "facilities for dancing" means a cleared dance floor when music for dancing is provided by any means;

"owner";

- (e) "owner" means a person who operates a place of amusement or a place of entertainment, or both;

"place of
amuse-
ment";

- (f) "place of amusement" means any premises or place, whether enclosed or not, where any cinematograph or moving picture machine or similar apparatus is operated, or where any theatrical performance, carnival, circus, side-show, menagerie, concert, rodeo, exhibition, horse race, athletic contest or other performance is staged or held, and to which admission is granted upon payment of a price of admission through the sale of tickets or otherwise;

"place of
entertain-
ment";

- (g) "place of entertainment" means any premises or place, whether enclosed or not,

(i) where facilities for dancing are provided with the service of food or the service of liquor, beer or wine, or

(ii) where entertainment by one or more paid performers is provided with the service of food or the service of liquor, beer or wine,

but no premises or place shall be deemed to be a place of entertainment on any day until facilities for dancing are provided or entertainment by one or more paid performers is provided and, thereafter, such premises or place shall be a place of entertainment until every condition that made the premises or place a place of entertainment has ceased;

- (h) "price of admission" includes every charge^{"price of admission";} made to or fee collected from a purchaser by an owner before or after admission to a place of amusement or place of entertainment and includes, when it is for admission to a place of entertainment, every cover charge and every charge for the service of food or the service of liquor, beer or wine;
- (i) "purchaser" means any person who purchases^{"purchaser";} admission for himself to any place of amusement or place of entertainment and includes any person for whom admission to any place of amusement or place of entertainment is purchased by any other person;
- (j) "regulations" means regulations made under^{"regulations";} this Act;
- (k) "service of liquor, beer or wine" means the^{"service of liquor, beer or wine";} service of liquor, beer or wine to a purchaser in a place from which, in order to use facilities for dancing or to view entertainment by one or more paid performers, he is not required to pass through a doorway or through more than one doorway;
- (l) "service of food" means the service of food or^{"service of food";} beverages, other than liquor, beer or wine, to the purchaser at a table in a place from which, in order to view entertainment by one or more paid performers, he is not required to pass through a doorway or through more than one doorway;
- (m) "Treasurer" means Treasurer of Ontario. ^{"Treasurer".}

2. Subsection 1 of section 2 of *The Hospitals Tax Act, 1948*^{1948, c. 41, s. 2, subs. 1,} is amended by inserting after the words "place of amusement"^{amended.} in the first and second lines the words "or place of entertainment".

3. Section 3 of *The Hospitals Tax Act, 1948* is repealed^{1948, c. 41, s. 3,} and the following substituted therefor:^{re-enacted.}

3.—(1) Every purchaser of admission to a place of^{Tax on admission} amusement shall pay to the Treasurer for the use^{to places of amusement.} of His Majesty in right of Ontario a tax on the price of admission as follows:

Price of Admission							Tax	
More than	15 cents	and not more than	18 cents	—	2 cents			
"	"	18	"	"	"	"	23	" — 3 "
"	"	23	"	"	"	"	31	" — 4 "
"	"	31	"	"	"	"	36	" — 5 "
"	"	36	"	"	"	"	44	" — 6 "
"	"	44	"	"	"	"	50	" — 7 "
"	"	50	"	"	"	"	57	" — 8 "
"	"	57	"	"	"	"	64	" — 9 "
"	"	64	"	"	"	"	70	" — 10 "
"	"	70	"	"	"	"	77	" — 11 "
"	"	77	"	"	"	"	83	" — 12 "
"	"	83	"	"	"	"	90	" — 13 "
"	"	90	"	"	"	"	96	" — 14 "
"	"	96	"	"	"	"	99	" — 15 "

and where the price of admission is more than 99 cents, a tax at the rate of fifteen per centum calculated upon the price of admission, and in the calculation every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent.

Tax on admission to places of entertainment.

- (2) Every purchaser of admission to a place of entertainment shall pay to the Treasurer for the use of His Majesty in right of Ontario,

(a) a tax at the rate of fifteen per centum calculated upon the price of admission where such price is less than six dollars and sixty-six cents; and

(b) a tax of one dollar where such price is six dollars and sixty-six cents or more,

and in the calculation under clause *a*, every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent.

1948, c. 41, s. 4, repealed.

4. Section 4 of *The Hospitals Tax Act, 1948* is repealed.

1948, c. 41, s. 6, re-enacted.

5. Section 6 of *The Hospitals Tax Act, 1948* is repealed and the following substituted therefor:

Price of admission and tax.

- 6.—(1) Every owner shall inform every purchaser of admission the price or prices of admission to his place of amusement or place of entertainment and of the amount of the tax to be paid by the purchaser by placing in public view at the office of the owner where admission may be purchased a schedule showing such price or prices and the amount of such tax.

- (2) For the purposes of subsection 2 of section 3, every owner shall collect the tax on each part of the price of admission and shall give each purchaser a receipt for each such part so that each purchaser may know when he has paid the maximum tax. ^{Receipt for tax.}

6. Subsection 2 of section 9 of *The Hospitals Tax Act*, 1948, c. 41, s. 9, subs. 2, 1948 is amended by inserting after the word "amusement" in the third line the words "or place of entertainment" and by inserting after the word "such" in the eighteenth line the words "place of amusement or place of". ^{amended.}

7. Subsection 2 of section 10 of *The Hospitals Tax Act*, 1948, c. 41, s. 10, subs. 2, 1948 is amended by inserting after the word "amusement" where it appears in the sixth and ninth lines respectively the words "or place of entertainment". ^{amended.}

8.—(1) Subsection 6 of section 11 of *The Hospitals Tax Act*, 1948, c. 41, s. 11, subs. 6, 1948 is amended by inserting after the words "place of amusement" in the third line the words "or place of entertainment". ^{amended.}

(2) Subsection 7 of the said section 11 is amended by inserting after the words "place of amusement" where they occur in the third and fourth lines and in the sixth line respectively the words "or place of entertainment". ^{1948, c. 41, s. 11, subs. 7. amended.}

9. This Act shall come into force on the 1st day of April, 1950. ^{Commencement of Act.}

10. This Act may be cited as *The Hospitals Tax Amendment Act, 1950*. ^{Short title.}

BILL

An Act to amend
The Hospitals Tax Act, 1948.

1st Reading

March 21st, 1950

2nd Reading

March 27th, 1950

3rd Reading

March 30th, 1950

MR. FROST

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to establish the Ontario Racing Commission.

MR. FROST

EXPLANATORY NOTE

This Act establishes a corporation under the name of the Ontario Racing Commission, to be composed of not less than three and not more than seven members appointed by the Lieutenant-Governor in Council. The Commission will have power to govern, direct, control and regulate horse racing in Ontario in any or all of its forms.

No. 115

1950

BILL

An Act to establish the Ontario Racing Commission.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

(a) "Commission" means Ontario Racing Commission;

(b) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council.

2. There shall be a body corporate, to be known as the Ontario Racing Commission, composed of not less than three and not more than seven members appointed by the Lieutenant-Governor in Council. Commission established.

3. The object of the Commission shall be to govern, direct, control and regulate horse racing in Ontario in any or all of its forms. Object.

4. The members of the Commission shall hold office during the pleasure of the Lieutenant-Governor in Council. Term of office.

5.—(1) The Lieutenant-Governor in Council shall name one of the members to be the chairman and one of the members to be the vice-chairman. Chairman and vice-chairman.

(2) When the office of chairman is vacant or in the absence of the chairman, the vice-chairman shall act in his place and stead. Absence of chairman.

6.—(1) At any meeting of the Commission a majority of the members shall constitute a quorum, and a majority vote of the members present at any meeting of the Commission shall determine any question. Quorum.

(2) The chairman shall have a casting vote in addition to his ordinary vote. Casting vote.

Vacancies.

7. The Lieutenant-Governor in Council may fill any vacancy that may occur in the membership of the Commission.

Salaries of members and staff.

8. The Lieutenant-Governor in Council shall fix the salaries of the chairman, the vice-chairman and the other members of the Commission, and may appoint such officers, clerks or other employees as may be necessary for the purposes of the Commission, and shall fix their salaries, wages or other remuneration.

Chairman and staff to be civil servants.

1947, c. 89.

9.—(1) The chairman of the Commission and all officers, clerks and other employees thereof shall be subject to *The Public Service Act, 1947* and shall be civil servants within the meaning of that Act.

Members may be made civil servants.

(2) The Lieutenant-Governor in Council may provide that the members of the Commission other than the chairman, or any of them, shall be subject to *The Public Service Act, 1947* and shall be civil servants within the meaning of that Act.

Expenses payable out of vote.

10. The salaries and expenses of the members of the Commission and of the officers, clerks and other employees thereof, and generally all costs, charges and expenses incurred and payable in respect of the carrying out of this Act, shall be paid out of such moneys as may be appropriated therefor by the Legislature.

Powers of Commission.

11. The Commission shall have power,

- (a) to govern, direct, control and regulate horse racing in Ontario in any or all of its forms;
- (b) to govern, control and regulate the operation of race tracks in Ontario at which any form of horse racing is carried on;
- (c) to hold hearings relating to the carrying out of its objects or powers, and to summon any person by subpoena signed by the chairman or by any other member of the Commission, and to require such person to give evidence on oath and to produce such documents and things as the Commission deems requisite in any such hearing;
- (d) to enforce the carrying out and observance of all regulations, rules and conditions established under this Act, by a fine or other penalty or otherwise;
- (e) to make by-laws for the conduct of its business and for the control and direction of its work;

- (f) to do such other things relating to horse racing in any or all of its forms or to the operation of race tracks at which horse racing is carried on, as may be authorized or directed by the Lieutenant-Governor in Council.

12. The accounts of the Commission shall be audited by ^{Audit.} the provincial Auditor or by such other auditor as the Lieutenant-Governor in Council may appoint.

13. The Commission shall make a report annually to the ^{Annual} Minister, containing such information as the Minister may ^{report.} require.

14. The Lieutenant-Governor in Council may make regu- ^{Regulations.} lations with respect to any and all matters or things as may be deemed necessary for the carrying out of this Act, and without limiting the generality of the foregoing, such regulations may,

- (a) prescribe the powers and duties of the chairman and of the other members of the Commission and confer upon the Commission such powers as may be deemed proper for carrying out its objects;
- (b) provide for the licensing of persons to operate race tracks at which horse racing in any of its forms is carried on;
- (c) provide for the licensing of owners, trainers, drivers, jockeys, apprentice jockeys, grooms, jockeys' agents, jockeys' valets, exercise boys, tradesmen, and such other persons as may be deemed appropriate;
- (d) fix the fees or other charges to be paid for licences and prescribe the form and conditions under which licences shall be issued;
- (e) provide for the revocation, cancellation or suspension of licences;
- (f) establish rules for the conduct of horse racing in any of its forms;
- (g) provide for the registration of colours, assumed names, partnerships and contracts and of such other matters or things as may be deemed necessary;
- (h) provide for the employment of stewards, veterinarians and analysts to attend at race meetings on behalf of the Commission;

- (i) provide for the approval by the Commission of the appointments of race track officials or employees, whose duties relate to the actual running of horse races, and for compelling the discharge for cause of any such officials or employees;
- (j) provide for the fixing of fines or other penalties for violation or failure to comply with the regulations, rules or conditions made under this Act;
- (k) require persons licensed to operate race tracks under this Act to keep proper books of account, and to provide access thereto and to allow inspection and investigation thereof by the Commission.

Commence-
ment of Act.

15. This Act shall come into force on the day it receives the Royal Assent.

Short title.

16. This Act may be cited as *The Racing Commission Act, 1950*.

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BILL

An Act to establish the Ontario
Racing Commission.

1st Reading

March 21st, 1950

2nd Reading

3rd Reading

MR. FROST

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to establish the Ontario Racing Commission.

MR. FROST

No. 115

1950

BILL

An Act to establish the Ontario Racing Commission.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

(a) "Commission" means Ontario Racing Commission;

(b) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council.

2. There shall be a body corporate, to be known as the Ontario Racing Commission, composed of not less than three and not more than seven members appointed by the Lieutenant-Governor in Council. Commission established.

3. The object of the Commission shall be to govern, direct, control and regulate horse racing in Ontario in any or all of its forms. Object.

4. The members of the Commission shall hold office during the pleasure of the Lieutenant-Governor in Council. Term of office.

5.—(1) The Lieutenant-Governor in Council shall name one of the members to be the chairman and one of the members to be the vice-chairman. Chairman and vice-chairman.

(2) When the office of chairman is vacant or in the absence of the chairman, the vice-chairman shall act in his place and stead. Absence of chairman.

6.—(1) At any meeting of the Commission a majority of the members shall constitute a quorum, and a majority vote of the members present at any meeting of the Commission shall determine any question. Quorum.

(2) The chairman shall have a casting vote in addition to his ordinary vote. Casting vote.

Vacancies.

7. The Lieutenant-Governor in Council may fill any vacancy that may occur in the membership of the Commission.

Salaries
of members
and staff.

8. The Lieutenant-Governor in Council shall fix the salaries of the chairman, the vice-chairman and the other members of the Commission, and may appoint such officers, clerks or other employees as may be necessary for the purposes of the Commission, and shall fix their salaries, wages or other remuneration.

Chairman
and staff
to be civil
servants.

1947, c. 89.

9.—(1) The chairman of the Commission and all officers, clerks and other employees thereof shall be subject to *The Public Service Act, 1947* and shall be civil servants within the meaning of that Act.

Members
may be
made civil
servants.

(2) The Lieutenant-Governor in Council may provide that the members of the Commission other than the chairman, or any of them, shall be subject to *The Public Service Act, 1947* and shall be civil servants within the meaning of that Act.

Expenses
payable out
of vote.

10. The salaries and expenses of the members of the Commission and of the officers, clerks and other employees thereof, and generally all costs, charges and expenses incurred and payable in respect of the carrying out of this Act, shall be paid out of such moneys as may be appropriated therefor by the Legislature.

Powers of
Commission.

11. The Commission shall have power,

- (a) to govern, direct, control and regulate horse racing in Ontario in any or all of its forms;
- (b) to govern, control and regulate the operation of race tracks in Ontario at which any form of horse racing is carried on;
- (c) to hold hearings relating to the carrying out of its objects or powers, and to summon any person by subpoena signed by the chairman or by any other member of the Commission, and to require such person to give evidence on oath and to produce such documents and things as the Commission deems requisite in any such hearing;
- (d) to enforce the carrying out and observance of all regulations, rules and conditions established under this Act, by a fine or other penalty or otherwise;
- (e) to make by-laws for the conduct of its business and for the control and direction of its work;

- (f) to do such other things relating to horse racing in any or all of its forms or to the operation of race tracks at which horse racing is carried on, as may be authorized or directed by the Lieutenant-Governor in Council.

12. The accounts of the Commission shall be audited by ^{Audit.} the provincial Auditor or by such other auditor as the Lieutenant-Governor in Council may appoint.

13. The Commission shall make a report annually to the ^{Annual} Minister, containing such information as the Minister may ^{report.} require.

14. The Lieutenant-Governor in Council may make ^{Regulations.} regulations with respect to any and all matters or things as may be deemed necessary for the carrying out of this Act, and without limiting the generality of the foregoing, such regulations may,

- (a) prescribe the powers and duties of the chairman and of the other members of the Commission and confer upon the Commission such powers as may be deemed proper for carrying out its objects;
- (b) provide for the licensing of persons to operate race tracks at which horse racing in any of its forms is carried on;
- (c) provide for the licensing of owners, trainers, drivers, jockeys, apprentice jockeys, grooms, jockeys' agents, jockeys' valets, exercise boys, tradesmen, and such other persons as may be deemed appropriate;
- (d) fix the fees or other charges to be paid for licences and prescribe the form and conditions under which licences shall be issued;
- (e) provide for the revocation, cancellation or suspension of licences;
- (f) establish rules for the conduct of horse racing in any of its forms;
- (g) provide for the registration of colours, assumed names, partnerships and contracts and of such other matters or things as may be deemed necessary;
- (h) provide for the employment of stewards, veterinarians and analysts to attend at race meetings on behalf of the Commission;

- (i) provide for the approval by the Commission of the appointments of race track officials or employees, whose duties relate to the actual running of horse races, and for compelling the discharge for cause of any such officials or employees;
- (j) provide for the fixing of fines or other penalties for violation or failure to comply with the regulations, rules or conditions made under this Act;
- (k) require persons licensed to operate race tracks under this Act to keep proper books of account, and to provide access thereto and to allow inspection and investigation thereof by the Commission.

Commence-
ment of Act.

15. This Act shall come into force on the day it receives the Royal Assent.

Short title.

16. This Act may be cited as *The Racing Commission Act, 1950*.

BILL

An Act to establish the Ontario
Racing Commission.

1st Reading

March 21st, 1950

2nd Reading

March 23rd, 1950

3rd Reading

March 27th, 1950

MR. FROST

No. 116

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to provide for Certain Exceptions to the Lord's Day Act (Canada).

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 116

1950

BILL

An Act to provide for Certain Exceptions to the
Lord's Day Act (Canada).

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Where a by-law passed under section 2 is in force and subject to its provisions, it shall be lawful for any person between half-past one and six o'clock in the afternoon of the Lord's Day to provide, engage in, or be present at any public game or sport that is specified in such by-law and which but for this Act would be unlawful under section 6 of the *Lord's Day Act* (Canada), or to do or engage any other person to do any work, business or labour in connection with any such public game or sport which but for this Act would be unlawful under section 4 of the *Lord's Day Act* (Canada). Sunday sports may be made lawful. R.S.C., c. 123.

2.—(1) Subject to section 3, the council of any city, town, village or township may pass a by-law declaring section 1 to be in force in the municipality or in such part or parts thereof as may be specified in the by-law, and upon such by-law coming into force, section 1 shall apply in the municipality or in the specified part or parts, as the case may be. Implementing by-law authorized.

(2) The application of section 1 shall be limited to such public games or sports as are specified in the by-law. Sports to be specified.

(3) The by-law shall not specify horse-racing as a public game or sport. Horse-racing.

(4) Where section 1 applies in specified parts of a municipality the limitation authorized by subsection 2 may differ in different parts. Different sports in different parts.

(5) The by-law may reduce the period of time between half-past one and six o'clock mentioned in section 1. Reduction of hours.

(6) The by-law shall provide for the regulation and control of the public games and sports specified in it. Regulation and control.

Condition
precedent
to passing
of by-law.

3.—(1) No by-law under section 2 shall be passed until the following question has been submitted to the electors:

Are you in favour of public games and sports on the Lord's Day to be regulated by municipal by-law under the authority of *The Lord's Day (Ontario) Act, 1950*?

Initiation of
by-law by
council.

(2) The council may submit the question set out in subsection 1 to the electors at any time.

Initiation of
by-law by
petition.

(3) Upon the presentation of a petition requesting that a by-law under this Act be passed, signed by at least ten per centum of the electors of the municipality, the council shall before or at the next municipal election submit the question set out in subsection 1 to the electors, but if a petition is presented in the month of November or December in any year it shall be deemed to be presented in the month of February next following.

Toronto and
Windsor.

(4) In the cities of Toronto and Windsor a majority of the electors shall be deemed to have voted in the affirmative on the question set out in subsection 1.

Condition
precedent
to repeal
of by-law.

4.—(1) No by-law passed under section 2 shall be repealed until the following question has been submitted to the electors:

Are you in favour of the repeal of the by-law passed under the authority of *The Lord's Day (Ontario) Act, 1950* that regulates public games and sports on the Lord's Day?

Initiation
of repealing
by-law
by council.

(2) The council may submit the question set out in subsection 1 to the electors at any time.

Initiation
of repealing
by-law
by petition.

(3) Upon the presentation of a petition requesting that the by-law passed under section 2 be repealed, signed by at least ten per centum of the electors of the municipality, the council shall before or at the next municipal election submit the question set out in subsection 1 to the electors, but if a petition is presented in the month of November or December in any year it shall be deemed to be presented in the month of February next following.

Presentation
and suffi-
ciency of
petition.

5. Any petition mentioned in section 3 or 4 shall be deemed to be presented when it is lodged with the clerk of the municipality and the sufficiency of the petition shall be determined by him and his certificate as to its sufficiency shall be conclusive for all purposes.

6. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment of Act.

7. This Act may be cited as *The Lord's Day (Ontario) Act*, Short title.
1950.

BILL

An Act to provide for Certain Exceptions
to the Lord's Day Act (Canada).

1st Reading

March 21st, 1950

2nd Reading

3rd Reading

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to provide for Certain Exceptions to the Lord's Day Act (Canada).

MR. PORTER

(Reprinted as amended in Committee of the Whole House.)

BILL

An Act to provide for Certain Exceptions to the
Lord's Day Act (Canada).

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Where a by-law passed under section 2 is in force and subject to its provisions, it shall be lawful for any person ^{Sunday sports may be made lawful.} between half-past one and six o'clock in the afternoon of the Lord's Day to provide, engage in, or be present at any public game or sport that is specified in such by-law and which but for this Act would be unlawful under section 6 of the *Lord's Day Act* (Canada), or to do or engage any other person to do ^{R.S.C., c. 123.} any work, business or labour in connection with any such public game or sport which but for this Act would be unlawful under section 4 of the *Lord's Day Act* (Canada).

2.—(1) Subject to section 3, the council of any city, town, village or township may pass a by-law declaring section 1 to be in force in the municipality or in such part or parts thereof as may be specified in the by-law, and upon such by-law coming into force, section 1 shall apply in the municipality or in the specified part or parts, as the case may be. ^{Implementing by-law authorized.}

(2) The application of section 1 shall be limited to such public games or sports as are specified in the by-law. ^{Sports to be specified.}

(3) The by-law shall not specify horse-racing as a public game or sport. ^{Horse-racing.}

(4) Where section 1 applies in specified parts of a municipality the limitation authorized by subsection 2 may differ in different parts. ^{Different sports in different parts.}

(5) The by-law may reduce the period of time between half-past one and six o'clock mentioned in section 1. ^{Reduction of hours.}

(6) The by-law shall provide for the regulation and control of the public games and sports specified in it and may ^{Regulation and control.}

provide for the regulation and control of any matter or thing in connection with such public games and sports.

Condition
precedent
to passing
of by-law.

3.—(1) No by-law under section 2 shall be passed until the following question has been submitted to the electors:

Are you in favour of public games and sports on the Lord's Day to be regulated by municipal by-law under the authority of *The Lord's Day (Ontario) Act, 1950*?

Initiation of
by-law by
council.

(2) The council may submit the question set out in subsection 1 to the electors at any time.

Initiation of
by-law by
petition.

(3) Upon the presentation of a petition requesting that a by-law under this Act be passed, signed by at least ten per centum of the electors of the municipality, the council shall before or at the next municipal election submit the question set out in subsection 1 to the electors, but if a petition is presented in the month of November or December in any year it shall be deemed to be presented in the month of February next following.

Toronto and
Windsor.

(4) In the cities of Toronto and Windsor a majority of the electors shall be deemed to have voted in the affirmative on the question set out in subsection 1.

Condition
precedent
to repeal
of by-law.

4.—(1) No by-law passed under section 2 shall be repealed until the following question has been submitted to the electors:

Are you in favour of the repeal of the by-law passed under the authority of *The Lord's Day (Ontario) Act, 1950* that regulates public games and sports on the Lord's Day?

Initiation
of repealing
by-law
by council.

(2) The council may submit the question set out in subsection 1 to the electors at any time.

Initiation
of repealing
by-law
by petition.

(3) Upon the presentation of a petition requesting that the by-law passed under section 2 be repealed, signed by at least ten per centum of the electors of the municipality, the council shall before or at the next municipal election submit the question set out in subsection 1 to the electors, but if a petition is presented in the month of November or December in any year it shall be deemed to be presented in the month of February next following.

Presentation
and suffi-
ciency of
petition.

5. Any petition mentioned in section 3 or 4 shall be deemed to be presented when it is lodged with the clerk of the municipi-

pality and the sufficiency of the petition shall be determined by him and his certificate as to its sufficiency shall be conclusive for all purposes.

6. If and so long as the time commonly observed in a municipality in which a by-law passed under section 2 is in force is one hour in advance of standard time, the times mentioned in section 1 or in such by-law shall be reckoned in accordance with the time so commonly observed and not standard time.

Where
daylight
saving time
in effect.

7. This Act shall come into force on the day it receives the Royal Assent.

Commence-
ment of Act.

8. This Act may be cited as *The Lord's Day (Ontario) Act*, Short title.
1950.

BILL

An Act to provide for Certain Exceptions
to the Lord's Day Act (Canada).

1st Reading

March 21st, 1950

2nd Reading

March 23rd, 1950

3rd Reading

MR. PORTER

(*Reprinted as amended in Committee of
the Whole House.*)

No. 116

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to provide for Certain Exceptions to the Lord's Day Act (Canada).

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to provide for Certain Exceptions to the
Lord's Day Act (Canada).

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Where a by-law passed under section 2 is in force and subject to its provisions, it shall be lawful for any person between half-past one and six o'clock in the afternoon of the Lord's Day to provide, engage in, or be present at any public game or sport that is specified in such by-law and which but for this Act would be unlawful under section 6 of the *Lord's Day Act* (Canada), or to do or engage any other person to do any work, business or labour in connection with any such public game or sport which but for this Act would be unlawful under section 4 of the *Lord's Day Act* (Canada). Sunday sports may be made lawful. R.S.C., c. 123.

2.—(1) Subject to section 3, the council of any city, town, village or township may pass a by-law declaring section 1 to be in force in the municipality or in such part or parts thereof as may be specified in the by-law, and upon such by-law coming into force, section 1 shall apply in the municipality or in the specified part or parts, as the case may be. Implementing by-law authorized.

(2) The application of section 1 shall be limited to such public games or sports as are specified in the by-law. Sports to be specified.

(3) The by-law shall not specify horse-racing as a public game or sport. Horse-racing.

(4) Where section 1 applies in specified parts of a municipality the limitation authorized by subsection 2 may differ in different parts. Different sports in different parts.

(5) The by-law may reduce the period of time between half-past one and six o'clock mentioned in section 1. Reduction of hours.

(6) The by-law shall provide for the regulation and control of the public games and sports specified in it and may Regulation and control.

provide for the regulation and control of any matter or thing in connection with such public games and sports.

Condition precedent to passing of by-law.

3.—(1) No by-law under section 2 shall be passed until the following question has been submitted to the electors:

Are you in favour of public games and sports on the Lord's Day to be regulated by municipal by-law under the authority of *The Lord's Day (Ontario) Act, 1950*?

Initiation of by-law by council.

(2) The council may submit the question set out in subsection 1 to the electors at any time.

Initiation of by-law by petition.

(3) Upon the presentation of a petition requesting that a by-law under this Act be passed, signed by at least ten per centum of the electors of the municipality, the council shall before or at the next municipal election submit the question set out in subsection 1 to the electors, but if a petition is presented in the month of November or December in any year it shall be deemed to be presented in the month of February next following.

Toronto and Windsor.

(4) In the cities of Toronto and Windsor a majority of the electors shall be deemed to have voted in the affirmative on the question set out in subsection 1.

Condition precedent to repeal of by-law.

4.—(1) No by-law passed under section 2 shall be repealed until the following question has been submitted to the electors:

Are you in favour of the repeal of the by-law passed under the authority of *The Lord's Day (Ontario) Act, 1950* that regulates public games and sports on the Lord's Day?

Initiation of repealing by-law by council.

(2) The council may submit the question set out in subsection 1 to the electors at any time.

Initiation of repealing by-law by petition.

(3) Upon the presentation of a petition requesting that the by-law passed under section 2 be repealed, signed by at least ten per centum of the electors of the municipality, the council shall before or at the next municipal election submit the question set out in subsection 1 to the electors, but if a petition is presented in the month of November or December in any year it shall be deemed to be presented in the month of February next following.

Presentation and sufficiency of petition.

5. Any petition mentioned in section 3 or 4 shall be deemed to be presented when it is lodged with the clerk of the municipi-

pality and the sufficiency of the petition shall be determined by him and his certificate as to its sufficiency shall be conclusive for all purposes.

6. If and so long as the time commonly observed in a municipality in which a by-law passed under section 2 is in force is one hour in advance of standard time, the times mentioned in section 1 or in such by-law shall be reckoned in accordance with the time so commonly observed and not standard time. ^{When daylight saving time in effect.}

7. This Act shall come into force on the day it receives the Royal Assent. ^{Commencement of Act.}

8. This Act may be cited as *The Lord's Day (Ontario) Act*, Short title. 1950.

BILL

An Act to provide for Certain Exceptions
to the Lord's Day Act (Canada).

1st Reading

March 21st, 1950

2nd Reading

March 23rd, 1950

3rd Reading

April 4th, 1950

Mr. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting The K V P Company Limited.

MR. PORTER

No. 117

1950

BILL

An Act respecting The K V P Company Limited.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Whether or not its operation is now stayed, every ^{Present} injunction heretofore granted against The K V P Company ^{injunctions} dissolved. Limited, herein called "the Company", restraining the Company from polluting the waters of the Spanish River, is dissolved.

(2) The dissolution of any such injunction shall not pre- ^{Right to}judice the right of any person to damages heretofore awarded ^{damages} in the action in which any such injunction was granted and ^{preserved.} shall not prejudice the right of any person to damages suffered from the date of the trial in which any such injunction was granted to the date when the injunction would have, but for this Act, become effective.

2. Nothing in this Act shall prejudice the right of any ^{Right of} person to bring any action against the Company arising from ^{action} the pollution of the waters of the Spanish River. ^{preserved.}

3.—(1) The Research Council of Ontario shall endeavour ^{Research} to develop methods that, if applied by the Company, would ^{Council of} abate or lessen the pollution of the waters of the Spanish ^{Ontario to} River by the Company. ^{act.}

(2) The cost of carrying out its duties under subsection 1 ^{Cost to be} shall be deemed to be a debt due by the Company to the ^{borne by} Research Council of Ontario. ^{Company.}

4. This Act shall come into force on the day it receives ^{Commence-} the Royal Assent. ^{ment of Act.}

5. This Act may be cited as *The K V P Company Limited* ^{Short title.} *Act, 1950.*

BILL

An Act respecting The K V P Company
Limited.

1st Reading

March 21st, 1950

2nd Reading

3rd Reading

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting The K V P Company Limited.

MR. PORTER

(Reprinted as amended in Committee of the Whole House.)

No. 117

1950

BILL

An Act respecting The K V P Company Limited.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Whether or not its operation is now stayed, every injunction heretofore granted against The K V P Company Limited, herein called "the Company", restraining the Company from polluting the waters of the Spanish River, is dissolved. Present injunctions dissolved.

(2) The dissolution of any such injunction shall not prejudice the right of any person to damages heretofore awarded in the action in which any such injunction was granted and shall not prejudice the right of any person to damages suffered from the date of the trial in which any such injunction was granted to the date when the injunction would have, but for this Act, become effective. Right to damages preserved.

2. Nothing in this Act shall prejudice the right of any person to bring any action against the Company arising from the pollution of the waters of the Spanish River. Right of action preserved.

3.—(1) In lieu of bringing an action against the Company, any person who claims that he has suffered or is suffering damage caused by the pollution of the waters of the Spanish River by the Company may, by notice in writing to the Company, require the Company to submit the matter to arbitration on such terms as may be agreed upon. Right to arbitrate.

(2) Upon receipt of a notice under subsection 1, the Company and the claimant shall forthwith negotiate the terms of the submission and proceed therewith in accordance with its terms. Negotiation of submission.

(3) If the claimant and the Company are unable to agree as to the terms of the submission, any term in dispute may at any time be referred by either party to the judge of the district court of the district in which the damage claimed. Where no agreement as to terms of arbitration.

occurred, and the judge shall, after hearing both parties, determine any such term and his determination shall be final and shall be acted upon by the parties.

Research
Council of
Ontario to
act.

4.—(1) The Research Council of Ontario shall endeavour to develop methods that, if applied by the Company, would abate or lessen the pollution of the waters of the Spanish River by the Company.

Cost to be
borne by
Company.

(2) The cost of carrying out its duties under subsection 1 shall be deemed to be a debt due by the Company to the Research Council of Ontario.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The K V P Company Limited Act, 1950*.

BILL

An Act respecting The K V P Company
Limited.

1st Reading

March 21st, 1950

2nd Reading

March 23rd, 1950

3rd Reading

MR. PORTER

(*Reprinted as amended in Committee of the
Whole House.*)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act respecting The K V P Company Limited.

MR. PORTER

BILL

An Act respecting The K V P Company Limited.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Whether or not its operation is now stayed, every injunction heretofore granted against The K V P Company Limited, herein called "the Company", restraining the Company from polluting the waters of the Spanish River, is dissolved. ^{Present injunctions dissolved.}

(2) The dissolution of any such injunction shall not prejudice the right of any person to damages heretofore awarded in the action in which any such injunction was granted and shall not prejudice the right of any person to damages suffered from the date of the trial in which any such injunction was granted to the date when the injunction would have, but for this Act, become effective. ^{Right to damages preserved.}

2. Nothing in this Act shall prejudice the right of any person to bring any action against the Company arising from the pollution of the waters of the Spanish River. ^{Right of action preserved.}

3.—(1) In lieu of bringing an action against the Company, any person who claims that he has suffered or is suffering damage caused by the pollution of the waters of the Spanish River by the Company may, by notice in writing to the Company, require the Company to submit the matter to arbitration on such terms as may be agreed upon. ^{Right to arbitrate.}

(2) Upon receipt of a notice under subsection 1, the Company and the claimant shall forthwith negotiate the terms of the submission and proceed therewith in accordance with its terms. ^{Negotiation of submission.}

(3) If the claimant and the Company are unable to agree as to the terms of the submission, any term in dispute may at any time be referred by either party to the judge of the district court of the district in which the damage claimed ^{Where no agreement as to terms of arbitration.}

occurred, and the judge shall, after hearing both parties, determine any such term and his determination shall be final and shall be acted upon by the parties.

Research
Council of
Ontario to
act.

4.—(1) The Research Council of Ontario shall endeavour to develop methods that, if applied by the Company, would abate or lessen the pollution of the waters of the Spanish River by the Company.

Cost to be
borne by
Company.

(2) The cost of carrying out its duties under subsection 1 shall be deemed to be a debt due by the Company to the Research Council of Ontario.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The K V P Company Limited Act, 1950*.

BILL

An Act respecting The K V P Company
Limited.

1st Reading

March 21st, 1950

2nd Reading

March 23rd, 1950

3rd Reading

March 30th, 1950

MR. PORTER

No. 118

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Highway Improvement Act.

MR. DOUCETT

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Clause *f* states that the words "maintenance" and "repair" as used in the Act include the clearing of a highway and the removal of snow. This extended meaning is no longer necessary as such matters are now dealt with elsewhere in the Act. The clause is therefore repealed.

SECTIONS 2 and 3. The new section is a clarification and development of the provisions of the existing sections 27 and 28 so as to make them more workable in practice.

BILL

An Act to amend The Highway Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Highway Improvement Act* Rev. Stat., c. 56, s. 1, cl. *f*, repealed. is repealed.

2. Section 27 of *The Highway Improvement Act*, as amended Rev. Stat., c. 56, s. 27, re-enacted. by section 10 of *The Highway Improvement Amendment Act, 1944* and section 5 of *The Highway Improvement Amendment Act, 1947*, is repealed and the following substituted therefor:

- 27.—(1) The council of a local municipality which is not separated from the county may enter into agreement with the council of the county or with the suburban roads commission providing for the widening of any county or suburban road in the local municipality or for the construction of a pavement wider than twenty-two feet or other special construction thereon and for the maintenance and repair of such pavement or other special construction. Agreement between local municipality and county for extra work.
- (2) The agreement shall provide which of the parties is to do the work and the manner in which and the time or times at which the other party is to pay its share of the expenditure made by the party doing the work, but no work shall be done until the written agreement executed by both parties has been submitted in triplicate to the Minister for his approval and until his written approval has been obtained. Either party may do work; consent of Minister.
- (3) Where the agreement provides that the land required for the widening of the road is to be acquired by the local municipality, the council of the local municipality, notwithstanding section 452 of *The Municipal Act*, may pass by-laws for widening the road and acquiring by purchase or otherwise or expropriating such land and the provisions of *The Municipal Act* Acquisition of land by local municipality. Rev. Stat., c. 266.

as to the acquiring, occupying and taking of land for municipal purposes shall apply to the acquiring, occupying or taking of land under any such by-law.

Transfer to county.

- (4) The local municipality shall convey the land so acquired to the county and thereupon the land shall become a part of the road and shall be included in the county road system and where the road has been designated and approved as a suburban road under Part III the land shall become part of the suburban road.

Apportionment of cost of construction of wider pavements.

- (5) In the case of the construction of a pavement wider than twenty-two feet the agreement shall provide the proportion in which the cost thereof is to be borne by the respective parties but such cost shall not include the cost of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the local municipality.

Minimum proportion to be borne by county or suburban roads commission.

- (6) The proportion of the cost of constructing such wider pavement that is to be borne by the county or the suburban roads commission shall not be less than the proportion of the area of a strip of the pavement twenty-two feet in width to the total area of such pavement, and where any portion of the roadway that is to be paved is occupied by the track allowance of a street railway, for the purpose of determining such minimum proportion, the cost of constructing such track allowance including the paving thereof shall be excluded from the total cost and the area of such track allowance shall be excluded from the total area.

Idem, in case of the widening of an existing pavement.

- (7) Where there is an existing pavement less than twenty-two feet in width on the county or suburban road and a wider pavement is agreed upon, the proportion of the cost of constructing the additional width of pavement that is to be borne by the county or the suburban roads commission shall not be less than the proportion of the area of that part of such additional width which together with the existing pavement would provide a total paved width of twenty-two feet to the total area of such additional width of pavement.

Idem.

- (8) Where there is an existing pavement twenty-two feet or more in width on the county or suburban road and a wider pavement is agreed upon, the agreement may provide that the cost of constructing the

additional width of pavement is to be borne entirely by either of the parties or in any agreed proportion by each of them.

- (9) In the case of the maintenance of a pavement wider than twenty-two feet the agreement shall provide the proportion of the cost thereof, including the removal of snow and the application of chemicals or abrasives and the removal thereof, that is to be borne by the respective parties, but such cost shall not include the cost of maintaining curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the local municipality. Apportionment of cost of maintenance.
- (10) The proportion of the cost of maintaining such wider pavement that is to be borne by the county or the suburban roads commission shall not be less than the proportion of the area of a strip of the pavement twenty-two feet in width to the total area of such pavement, and where any portion of the paved roadway is occupied by the track allowance of a street railway, for the purpose of determining such minimum proportion, the cost of maintaining such track allowance shall be excluded from the total cost and the area thereof shall be excluded from the total area. Minimum proportion to be borne by county or suburban roads commission.
- (11) Where the council of the local municipality or the council of the county or the suburban roads commission are unable to agree upon any term or condition of an agreement authorized by this section or where either council or the commission refuses to enter into such an agreement, the Minister may prescribe such term or condition or may require such an agreement to be entered into. Where councils fail to agree.
- (12) The council of the local municipality may pass by-laws to raise by debentures such sum as may be necessary to meet the local municipality's share of the cost of the widening of the road or the construction of a pavement under an agreement entered into under this section and it shall not be necessary to obtain the assent of the electors to any such by-law or to observe the other formalities in relation thereto prescribed by *The Municipal Act*, or such share may be assessed under *The Local Improvement Act* according to the report of an engineer. Debentures for local municipality's share. Rev. Stat., cc. 266; 269.
- (13) Where the Minister has approved an agreement under this section the cost of the widening of the Subsidy to local municipality.

road, the construction of a pavement, the maintenance of a pavement, the construction and maintenance of curbs, gutters, catch basins and any other special work properly chargeable to road improvement which is borne and paid by the local municipality in accordance with the agreement may, for the purpose of determining the grant payable to the local municipality out of the Fund, be included in the statement of expenditures on roads under the jurisdiction of the council of the local municipality submitted to the Minister under this Act, but the cost of constructing any sanitary or storm sewer or drain shall not be included in such statement.

Remedy over, for damages, caused by non-repair against local municipality.

- (14) Where the agreement provides that the pavement or any part thereof is to be maintained and kept in repair by the local municipality and where the local municipality makes default in so doing and the county or the suburban roads commission becomes liable under section 480 of *The Municipal Act* for damages suffered by or occasioned to any person in consequence of such default the county or the suburban roads commission shall be entitled to the remedy over against the local municipality provided for by section 486 of *The Municipal Act*.

Rev. Stat., c. 56, s. 28 (1944, c. 23, s. 11), repealed.

3. Section 28 of *The Highway Improvement Act*, as enacted by section 11 of *The Highway Improvement Amendment Act, 1944*, is repealed.

Rev. Stat., c. 56, s. 31, repealed.

4. Section 31 of *The Highway Improvement Act* is repealed.

Rev. Stat., c. 56, s. 52i (1947, c. 44, s. 9, subs. 1), amended.

5. Section 52i of *The Highway Improvement Act*, as enacted by subsection 1 of section 9 of *The Highway Improvement Amendment Act, 1947* and amended by section 3 of *The Highway Improvement Amendment Act, 1949*, is further amended by adding thereto the following subsection:

In case of expenditure on connecting link of the King's Highway.

- (3) Where the construction, improvement, maintenance and repair of a street in a town or village which is a connecting link or extension of the King's Highway is carried out under an agreement made with the Department under section 66, the expenditure made by the town or village on such street shall not be included in the statement submitted to the Minister under this section unless the work on which the expenditure is made is additional to that provided for in the agreement and is properly chargeable to road improvement under this Part.

SECTION 4. The present section 31 duplicates the provisions of section 10 of *The Snow Roads and Fences Act* and is therefore repealed.

SECTION 5. Section 66 of the Act provides for agreements between the Department and a town or village for work on a highway which is a connecting link or extension of the King's Highway and provides that a proportion of the cost may be paid out of the Fund. The amendment is necessary to make it clear that where a grant is paid under section 66, a duplicate grant cannot be claimed under section 52i on the same work.

SECTION 6. This provision, which empowers the Lieutenant-Governor in Council to make regulations fixing the distance from the limit of the King's Highway at which fences, buildings, etc., may be erected or altered and at which trees, hedges, etc., may be planted, is repealed as such matters are now covered in the new section 79*b* and section 80 of the Act. See sections 8 and 9 of this Bill.

SECTION 7. The matters dealt with by way of regulation in the subsections repealed are now covered in section 79*b* of the Act, enacted by section 8 of this Bill.

SECTION 8. The new sections 79*b* and 79*c* cover the same matters heretofore dealt with by way of regulations made under subsection 2 of section 79*a* of the Act. The principles are broadened in order to give an adequate degree of control over controlled access highways and adjoining lands.

The principle established is that no new building, fence, hedge, transmission line, gas pump, sign, etc., may be placed on the controlled adjoining lands without a permit. However, the Minister may at any time require the removal of any such thing heretofore or hereafter placed on such lands. This principle also applies to entranceways, etc.

6. Subsection 5 of section 71 of *The Highway Improvement Act*, as amended by section 7 of *The Highway Improvement Amendment Act, 1945*, is repealed. Rev. Stat., c. 56, s. 71, subs. 5, repealed.

7. Subsections 2 and 3 of section 79a of *The Highway Improvement Act*, as re-enacted by section 8 of *The Highway Improvement Amendment Act, 1945*, are repealed. Rev. Stat., c. 56, s. 79a, subss. 2, 3 (1945, c. 9, s. 8), repealed.

8. *The Highway Improvement Act* is amended by adding thereto the following sections: Rev. Stat., c. 56, amended.

79b.—(1) Notwithstanding any general or special Act, regulation, by-law or other authority, no person shall, except under a permit therefor from the Minister,— Controlled access highways, control of.

- (a) place, erect or alter any building, structure or fence, or any part thereof, or place any tree, shrub or hedge, or any part thereof, upon or within 150 feet of any limit of a controlled access highway, or upon or within 600 feet of any limit of a highway that intersects or runs into a controlled access highway for a distance of 600 feet from any limit of the controlled access highway;
- (b) place, erect or alter any power line, pole line or other transmission line, or any part thereof, upon or within one-quarter mile of any limit of a controlled access highway;
- (c) place, erect or alter any gasoline pump, or any part thereof, upon or within 150 feet of any limit of a controlled access highway, or upon or within 600 feet of any limit of a highway that intersects or runs into a controlled access highway for a distance of 600 feet from any limit of the controlled access highway;
- (d) place, erect or alter any sign, notice or advertising device, or any part thereof, other than a sign not more than two feet by one foot displaying the name of the owner or occupant of the premises to which it is affixed or the name of such premises, upon or within one-quarter mile of any limit of a controlled access highway;
- (e) construct, use or allow the use of any private road, entranceway or gate which, or any part of which, is connected with or opens upon a controlled access highway;

(f) sell, offer or expose for sale any vegetables, fruit or other produce, or any goods or merchandise upon or within 150 feet of any limit of a controlled access highway, or upon or within 600 feet of any limit of a highway that intersects or runs into a controlled access highway for a distance of 600 feet from any limit of the controlled access highway.

Application
of subs. 1
in cities,
towns,
villages.

- (2) The Minister in his discretion may order that subsection 1 or such clauses thereof as he may specify shall apply within the limits of any city, town or village or such parts thereof as he may specify, but otherwise subsection 1 shall not apply within the limits of any city, town or village.

Notice to
remove,
alter, etc.

- (3) The Minister in his discretion may give notice to the owner or occupant of any land requiring him to remove or alter any building, structure, fence, tree, shrub, hedge, power line, pole line, other transmission line, gasoline pump, sign, notice or advertising device hereafter placed, erected, altered or maintained, or to close up any private road, entranceway or gate hereafter constructed or maintained, that does not comply with subsection 1 or with any permit issued under this section with respect thereto.

Idem.

- (4) The Minister in his discretion may give notice to the owner or occupant of any land requiring him to remove or alter any building, structure, fence, tree, shrub, hedge, power line, pole line, other transmission line, gasoline pump, sign, notice or advertising device heretofore placed, erected or altered, or to close up any private road, entranceway or gate heretofore constructed that would not comply with subsection 1 if it had been so placed, erected, altered or constructed after this section comes into force.

Notice to
be sent by
registered
mail.

- (5) Every notice under subsection 3 or 4 shall be in writing and sent by registered mail addressed to the owner or occupant of the land, and it shall be deemed conclusively to have been received on the second day following the mailing thereof.

Failure to
obey notice.

- (6) If the person to whom notice is given under subsection 3 or 4 fails to comply with it within thirty days after its receipt, the Minister may direct in writing any officer, employee or agent of the Department to enter upon the land and do or cause to be done whatever may be necessary to remove or alter the building, structure, fence, tree, shrub, hedge,



SECTION 9. Section 80 as re-enacted covers the same field as the present section 80 but it is brought into line with the new section 79b.

power line, pole line, other transmission line, gasoline pump, sign, notice or advertising device, or to close up the private road, entranceway or gate, as the case may be, as the notice required.

- (7) The Minister in his discretion may issue permits Permits. under this section upon such conditions, in such form, for such term and upon the payment of such fee as he may deem proper, and may in his discretion cancel any such permit.
- (8) The powers of the Minister to make orders, to give Delegation of powers. notices or to issue permits under this section may be delegated by him to the Deputy Minister, and when any such delegation has been made any such order, notice or permit duly made, given or issued over the signature of the Deputy Minister shall be valid and effective for all purposes.
- (9) Every person who violates any of the provisions of subsection 1 or who fails to comply with a notice given under subsection 3 or 4 shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence, and the continuance of the condition constituting an offence for each week after conviction therefor shall constitute a new offence. Offences and penalties.
- 79c.—(1) The Minister may make regulations prohibiting Regulation of types of vehicles. or regulating the use of controlled access highways by any type or class of vehicle.
- (2) Every person who violates any regulation made under Penalty. this section shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$5 and not more than \$50.

9. Section 80 of *The Highway Improvement Act*, as amended Rev. Stat., c. 56, s. 80, re-enacted. by section 9 of *The Highway Improvement Amendment Act, 1939* and subsection 2 of section 14 of *The Statute Law Amendment Act, 1940*, is repealed and the following substituted therefor:

- 80.—(1) Section 79b, except clauses *b*, *e* and *f* of sub- Buildings, gas pumps and signs on the King's Highway. section 1 thereof, shall apply *mutatis mutandis* to the other portions of the King's Highway.
- (2) Any county council, commission or board may with Gas pumps and signs on local roads. respect to the roads under its jurisdiction pass by-laws,—

- (a) prohibiting or regulating the placing, erecting or altering of gasoline pumps upon or within 150 feet of any limit of any such road;
- (b) prohibiting or regulating the placing, erecting or altering of signs, notices or advertising devices upon or within one-quarter mile of any limit of any such road,

and any such by-law may provide for the issuing of permits for such gasoline pumps, signs, notices or advertising devices, as the case may be, and may prescribe the terms and form thereof and the fees to be paid therefor, and may prescribe penalties for violation of the by-law, but no such by-law shall have effect until approved in writing by the Minister.

Commence-
ment of Act. **10.**—(1) This Act, except sections 1, 2, 3, 4 and 5, shall come into force on the day it receives the Royal Assent.

Idem. (2) Sections 1, 2, 3, 4 and 5 shall be deemed to have come into force on the 1st day of January, 1950.

Short title. **11.** This Act may be cited as *The Highway Improvement Amendment Act, 1950*.

BILL

An Act to amend The Highway
Improvement Act.

1st Reading

March 21st, 1950

2nd Reading

3rd Reading

MR. DOUCETT

No. 118

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Highway Improvement Act.

MR. DOUCETT

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 118

1950

BILL

An Act to amend The Highway Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Highway Improvement Act* Rev. Stat., c. 56, s. 1, cl. *f*, repealed. is repealed.

2. Section 27 of *The Highway Improvement Act*, as amended Rev. Stat., c. 56, s. 27, re-enacted. by section 10 of *The Highway Improvement Amendment Act, 1944* and section 5 of *The Highway Improvement Amendment Act, 1947*, is repealed and the following substituted therefor:

- 27.—(1) The council of a local municipality which is not separated from the county may enter into agreement with the council of the county or with the suburban roads commission providing for the widening of any county or suburban road in the local municipality or for the construction of a pavement wider than twenty-two feet or other special construction thereon and for the maintenance and repair of such pavement or other special construction. Agreement between local municipality and county for extra work.
- (2) The agreement shall provide which of the parties is to do the work and the manner in which and the time or times at which the other party is to pay its share of the expenditure made by the party doing the work, but no work shall be done until the written agreement executed by both parties has been submitted in triplicate to the Minister for his approval and until his written approval has been obtained. Either party may do work; consent of Minister.
- (3) Where the agreement provides that the land required for the widening of the road is to be acquired by the local municipality, the council of the local municipality, notwithstanding section 452 of *The Municipal Act*, may pass by-laws for widening the road and acquiring by purchase or otherwise or expropriating such land and the provisions of *The Municipal Act* Acquisition of land by local municipality. Rev. Stat., c. 266.

as to the acquiring, occupying and taking of land for municipal purposes shall apply to the acquiring, occupying or taking of land under any such by-law.

Transfer to county.

- (4) The local municipality shall convey the land so acquired to the county and thereupon the land shall become a part of the road and shall be included in the county road system and where the road has been designated and approved as a suburban road under Part III the land shall become part of the suburban road.

Apportionment of cost of construction of wider pavements.

- (5) In the case of the construction of a pavement wider than twenty-two feet the agreement shall provide the proportion in which the cost thereof is to be borne by the respective parties but such cost shall not include the cost of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the local municipality.

Minimum proportion to be borne by county or suburban roads commission.

- (6) The proportion of the cost of constructing such wider pavement that is to be borne by the county or the suburban roads commission shall not be less than the proportion of the area of a strip of the pavement twenty-two feet in width to the total area of such pavement, and where any portion of the roadway that is to be paved is occupied by the track allowance of a street railway, for the purpose of determining such minimum proportion, the cost of constructing such track allowance including the paving thereof shall be excluded from the total cost and the area of such track allowance shall be excluded from the total area.

Idem, in case of the widening of an existing pavement.

- (7) Where there is an existing pavement less than twenty-two feet in width on the county or suburban road and a wider pavement is agreed upon, the proportion of the cost of constructing the additional width of pavement that is to be borne by the county or the suburban roads commission shall not be less than the proportion of the area of that part of such additional width which together with the existing pavement would provide a total paved width of twenty-two feet to the total area of such additional width of pavement.

Idem.

- (8) Where there is an existing pavement twenty-two feet or more in width on the county or suburban road and a wider pavement is agreed upon, the agreement may provide that the cost of constructing the

additional width of pavement is to be borne entirely by either of the parties or in any agreed proportion by each of them.

- (9) In the case of the maintenance of a pavement wider than twenty-two feet the agreement shall provide the proportion of the cost thereof, including the removal of snow and the application of chemicals or abrasives and the removal thereof, that is to be borne by the respective parties, but such cost shall not include the cost of maintaining curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the local municipality. Apportionment of cost of maintenance.
- (10) The proportion of the cost of maintaining such wider pavement that is to be borne by the county or the suburban roads commission shall not be less than the proportion of the area of a strip of the pavement twenty-two feet in width to the total area of such pavement, and where any portion of the paved roadway is occupied by the track allowance of a street railway, for the purpose of determining such minimum proportion, the cost of maintaining such track allowance shall be excluded from the total cost and the area thereof shall be excluded from the total area. Minimum proportion to be borne by county or suburban roads commission.
- (11) Where the council of the local municipality or the council of the county or the suburban roads commission are unable to agree upon any term or condition of an agreement authorized by this section or where either council or the commission refuses to enter into such an agreement, the Minister may prescribe such term or condition or may require such an agreement to be entered into. Where councils fail to agree.
- (12) The council of the local municipality may pass by-laws to raise by debentures such sum as may be necessary to meet the local municipality's share of the cost of the widening of the road or the construction of a pavement under an agreement entered into under this section and it shall not be necessary to obtain the assent of the electors to any such by-law or to observe the other formalities in relation thereto prescribed by *The Municipal Act*, or such share may be assessed under *The Local Improvement Act* according to the report of an engineer. Debentures for local municipality's share. Rev. Stat., cc. 266; 269.
- (13) Where the Minister has approved an agreement under this section the cost of the widening of the Subsidy to local municipality.

road, the construction of a pavement, the maintenance of a pavement, the construction and maintenance of curbs, gutters, catch basins and any other special work properly chargeable to road improvement which is borne and paid by the local municipality in accordance with the agreement may, for the purpose of determining the grant payable to the local municipality out of the Fund, be included in the statement of expenditures on roads under the jurisdiction of the council of the local municipality submitted to the Minister under this Act, but the cost of constructing any sanitary or storm sewer or drain shall not be included in such statement.

Remedy over, for damages, caused by non-repair against local municipality.

- (14) Where the agreement provides that the pavement or any part thereof is to be maintained and kept in repair by the local municipality and where the local municipality makes default in so doing and the county or the suburban roads commission becomes liable under section 480 of *The Municipal Act* for damages suffered by or occasioned to any person in consequence of such default the county or the suburban roads commission shall be entitled to the remedy over against the local municipality provided for by section 486 of *The Municipal Act*.

Rev. Stat., c. 56, s. 28 (1944, c. 23, s. 11), repealed.

3. Section 28 of *The Highway Improvement Act*, as enacted by section 11 of *The Highway Improvement Amendment Act, 1944*, is repealed.

Rev. Stat., c. 56, s. 31, repealed.

4. Section 31 of *The Highway Improvement Act* is repealed.

Rev. Stat., c. 56, s. 52; (1947, c. 44, s. 9, subs. 1), amended.

5. Section 52*i* of *The Highway Improvement Act*, as enacted by subsection 1 of section 9 of *The Highway Improvement Amendment Act, 1947* and amended by section 3 of *The Highway Improvement Amendment Act, 1949*, is further amended by adding thereto the following subsection:

In case of expenditure on connecting link of the King's Highway.

- (3) Where the construction, improvement, maintenance and repair of a street in a town or village which is a connecting link or extension of the King's Highway is carried out under an agreement made with the Department under section 66, the expenditure made by the town or village on such street shall not be included in the statement submitted to the Minister under this section unless the work on which the expenditure is made is additional to that provided for in the agreement and is properly chargeable to road improvement under this Part.

6. Subsection 5 of section 71 of *The Highway Improvement Act*, as amended by section 7 of *The Highway Improvement Amendment Act, 1945*, is repealed. Rev. Stat.,
c. 56, s. 71,
subs. 5,
repealed.

7. Subsections 2 and 3 of section 79a of *The Highway Improvement Act*, as re-enacted by section 8 of *The Highway Improvement Amendment Act, 1945*, are repealed. Rev. Stat.,
c. 56, s. 79a,
subs. 2, 3
(1945),
c. 9, s. 8),
repealed.

8. *The Highway Improvement Act* is amended by adding thereto the following sections: Rev. Stat.,
c. 56,
amended.

79b.—(1) Notwithstanding any general or special Act, regulation, by-law or other authority, no person shall, except under a permit therefor from the Minister,— Controlled
access
highways,
control of.

- (a) place, erect or alter any building, structure or fence, or any part thereof, or place any tree, shrub or hedge, or any part thereof, upon or within 150 feet of any limit of a controlled access highway, or upon or within 600 feet of any limit of a highway that intersects or runs into a controlled access highway for a distance of 600 feet from any limit of the controlled access highway;
- (b) place, erect or alter any power line, pole line or other transmission line, or any part thereof, upon or within one-quarter mile of any limit of a controlled access highway;
- (c) place, erect or alter any gasoline pump, or any part thereof, upon or within 150 feet of any limit of a controlled access highway, or upon or within 600 feet of any limit of a highway that intersects or runs into a controlled access highway for a distance of 600 feet from any limit of the controlled access highway;
- (d) place, erect or alter any sign, notice or advertising device, or any part thereof, other than a sign not more than two feet by one foot displaying the name of the owner or occupant of the premises to which it is affixed or the name of such premises, upon or within one-quarter mile of any limit of a controlled access highway;
- (e) construct, use or allow the use of any private road, entranceway or gate which, or any part of which, is connected with or opens upon a controlled access highway;

- (f) sell, offer or expose for sale any vegetables, fruit or other produce, or any goods or merchandise upon or within 150 feet of any limit of a controlled access highway, or upon or within 600 feet of any limit of a highway that intersects or runs into a controlled access highway for a distance of 600 feet from any limit of the controlled access highway.

Application
of subs. 1
in cities,
towns,
villages.

- (2) The Minister in his discretion may order that subsection 1 or such clauses thereof as he may specify shall apply within the limits of any city, town or village or such parts thereof as he may specify, but otherwise subsection 1 shall not apply within the limits of any city, town or village.

Notice to
remove,
alter, etc.

- (3) The Minister in his discretion may give notice to the owner or occupant of any land requiring him to remove or alter any building, structure, fence, tree, shrub, hedge, power line, pole line, other transmission line, gasoline pump, sign, notice or advertising device hereafter placed, erected, altered or maintained, or to close up any private road, entranceway or gate hereafter constructed or maintained, that does not comply with subsection 1 or with any permit issued under this section with respect thereto.

Idem.

- (4) The Minister in his discretion may give notice to the owner or occupant of any land requiring him to remove or alter any building, structure, fence, tree, shrub, hedge, power line, pole line, other transmission line, gasoline pump, sign, notice or advertising device heretofore placed, erected or altered, or to close up any private road, entranceway or gate heretofore constructed that would not comply with subsection 1 if it had been so placed, erected, altered or constructed after this section comes into force.

Notice to
be sent by
registered
mail.

- (5) Every notice under subsection 3 or 4 shall be in writing and sent by registered mail addressed to the owner or occupant of the land, and it shall be deemed conclusively to have been received on the second day following the mailing thereof.

Failure to
obey notice.

- (6) If the person to whom notice is given under subsection 3 or 4 fails to comply with it within thirty days after its receipt, the Minister may direct in writing any officer, employee or agent of the Department to enter upon the land and do or cause to be done whatever may be necessary to remove or alter the building, structure, fence, tree, shrub, hedge,

power line, pole line, other transmission line, gasoline pump, sign, notice or advertising device, or to close up the private road, entranceway or gate, as the case may be, as the notice required.

- (7) The Minister in his discretion may issue permits Permits. under this section upon such conditions, in such form, for such term and upon the payment of such fee as he may deem proper, and may in his discretion cancel any such permit.
- (8) The powers of the Minister to make orders, to give Delegation of powers. notices or to issue permits under this section may be delegated by him to the Deputy Minister, and when any such delegation has been made any such order, notice or permit duly made, given or issued over the signature of the Deputy Minister shall be valid and effective for all purposes.
- (9) Every person who violates any of the provisions of Offences and penalties. subsection 1 or who fails to comply with a notice given under subsection 3 or 4 shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence, and the continuance of the condition constituting an offence for each week after conviction therefor shall constitute a new offence.
- 79c.—(1) The Minister may make regulations prohibiting Regulation of types of vehicles. or regulating the use of controlled access highways by any type or class of vehicle.
- (2) Every person who violates any regulation made under Penalty. this section shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$5 and not more than \$50.

9. Section 80 of *The Highway Improvement Act*, as amended Rev. Stat., c. 56, s. 80, re-enacted. by section 9 of *The Highway Improvement Amendment Act, 1939* and subsection 2 of section 14 of *The Statute Law Amendment Act, 1940*, is repealed and the following substituted therefor:

- 80.—(1) Section 79b, except clauses *b*, *e* and *f* of sub- Buildings, gas pumps and signs on the King's Highway. section 1 thereof, shall apply *mutatis mutandis* to the other portions of the King's Highway.
- (2) Any county council, commission or board may with Gas pumps and signs on local roads. respect to the roads under its jurisdiction pass by-laws,—

- (a) prohibiting or regulating the placing, erecting or altering of gasoline pumps upon or within 150 feet of any limit of any such road;
- (b) prohibiting or regulating the placing, erecting or altering of signs, notices or advertising devices upon or within one-quarter mile of any limit of any such road,

and any such by-law may provide for the issuing of permits for such gasoline pumps, signs, notices or advertising devices, as the case may be, and may prescribe the terms and form thereof and the fees to be paid therefor, and may prescribe penalties for violation of the by-law, but no such by-law shall have effect until approved in writing by the Minister.

Commence-
ment of Act. **10.**—(1) This Act, except sections 1, 2, 3, 4 and 5, shall come into force on the day it receives the Royal Assent.

Idem. (2) Sections 1, 2, 3, 4 and 5 shall be deemed to have come into force on the 1st day of January, 1950.

Short title. **11.** This Act may be cited as *The Highway Improvement Amendment Act, 1950*.

BILL

An Act to amend The Highway
Improvement Act.

1st Reading

March 21st, 1950

2nd Reading

March 22nd, 1950

3rd Reading

March 24th, 1950

MR. DOUCETT

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Conservation Authorities Act, 1946.

MR. GRIESINGER

EXPLANATORY NOTES.

SECTION 1. This amendment will permit an authority to borrow money pending receipt of any grants and the payment of municipal contributions which are collected by taxation.

SECTIONS 2 AND 3. These amendments provide that where only part of a municipality lies in the area over which an authority has jurisdiction, the sums apportioned against that municipality will be chargeable only on that part rather than on the whole municipality as heretofore required under the Act. The new subsection 5 added to section 34 authorizes, in cases where the major part of the benefit from a specific work accrues to a limited area of the municipality, the council to impose a special rate on the area benefited to pay for a certain percentage of the municipality's share of the capital cost of the work, and the balance by way of a special rate on the remaining part of the municipality within the watershed.

No. 119

1950

BILL

An Act to amend The Conservation Authorities Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Conservation Authorities Act, 1946* is ^{1946, c. 11, s. 4,} amended by adding thereto the following subsection: ^{amended.}

- (4) Every authority may, for its purposes, borrow on ^{Borrowing power.} the promissory note of the authority at interest not exceeding five per centum per annum, such moneys as may be required until payment to the authority of any grants and of sums to be paid to the authority by the participating municipalities.

2. Section 34 of *The Conservation Authorities Act, 1946* is ^{1946, c. 11, s. 34,} amended by adding thereto the following subsections: ^{amended.}

- (4) Where only a part of a participating municipality ^{Where only part of municipality in area.} is situated in the area over which the authority has jurisdiction, the portion of the moneys required to be raised by that municipality for capital expenditure shall be charged against the rateable property in that part of the municipality.

- (5) Where the council of a participating municipality is ^{Limited benefit.} of opinion that the major part of the benefit to be derived from a specific work accrues to a limited area of the municipality, the council, with the approval of the chief officer, may by by-law provide that a specified portion of the moneys required to be raised by that municipality for capital expenditure in connection with that work shall be defrayed by a special rate upon the rateable property in that area, which area shall be defined in the by-law, and that the balance of such moneys shall be defrayed by a special rate upon the rateable property in the

remaining portion of the municipality within the area over which the authority has jurisdiction.

1946, c. 11,
s. 35,
amended.

3. Section 35 of *The Conservation Authorities Act, 1946* is amended by adding thereto the following subsection:

Where only
part of
municipality
in area.

(2a) Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the amount apportioned to that municipality shall be calculated and inserted in the collectors' roll for the current year against the rateable property in that part of the municipality and shall be collected and paid in the manner provided in subsection 2.

Commence-
ment of Act.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Conservation Authorities Amendment Act, 1950*.

BILL

An Act to amend
The Conservation Authorities Act, 1946.

1st Reading

March 21st, 1950

2nd Reading

3rd Reading

MR. GRIESINGER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Conservation Authorities Act, 1946.

MR. GRIESINGER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 119

1950

BILL

An Act to amend The Conservation Authorities Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Conservation Authorities Act, 1946* is ^{1946, c. 11,} amended by adding thereto the following subsection: ^{s. 4,} amended.

- (4) Every authority may, for its purposes, borrow on ^{Borrowing power.} the promissory note of the authority at interest not exceeding five per centum per annum, such moneys as may be required until payment to the authority of any grants and of sums to be paid to the authority by the participating municipalities.

2. Section 34 of *The Conservation Authorities Act, 1946* is ^{1946, c. 11,} amended by adding thereto the following subsections: ^{s. 34,} amended.

- (4) Where only a part of a participating municipality ^{Where only part of municipality in area.} is situated in the area over which the authority has jurisdiction, the portion of the moneys required to be raised by that municipality for capital expenditure shall be charged against the rateable property in that part of the municipality.

- (5) Where the council of a participating municipality is ^{Limited benefit.} of opinion that the major part of the benefit to be derived from a specific work accrues to a limited area of the municipality, the council, with the approval of the chief officer, may by by-law provide that a specified portion of the moneys required to be raised by that municipality for capital expenditure in connection with that work shall be defrayed by a special rate upon the rateable property in that area, which area shall be defined in the by-law, and that the balance of such moneys shall be defrayed by a special rate upon the rateable property in the

remaining portion of the municipality within the area over which the authority has jurisdiction.

1946, c. 11,
s. 35,
amended.

3. Section 35 of *The Conservation Authorities Act, 1946* is amended by adding thereto the following subsection:

Where only
part of
municipality
in area.

(2a) Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the amount apportioned to that municipality shall be calculated and inserted in the collectors' roll for the current year against the rateable property in that part of the municipality and shall be collected and paid in the manner provided in subsection 2.

Commence-
ment of Act.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Conservation Authorities Amendment Act, 1950*.

BILL

An Act to amend
The Conservation Authorities Act, 1946.

1st Reading

March 21st, 1950

2nd Reading

March 23rd, 1950

3rd Reading

March 29th, 1950

MR. GRIESINGER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Planning Act, 1946.

MR. GRIESINGER

EXPLANATORY NOTES

SECTION 1. The new subsection authorizes the Minister to include in a planning area unorganized territory adjoining any municipality included in the area.

SECTION 2. Section 12 is strengthened by making it clear that a by-law that is passed after an official plan takes effect and that does not conform with the official plan is void. Subsection 2 will permit the Minister to approve by-laws that strictly speaking may be considered not to conform with the official plan but which in the opinion of the Minister do conform with the general intent and purpose of the plan. This will avoid the necessity of applications to amend the official plan to permit minor deviations that do not affect the broad purpose of the plan.

SECTION 3—Subsection 1. The requirements as to what must be indicated on a draft plan of subdivision are extended to include existing highways on which the proposed subdivision abuts and all lands in which the applicant has an interest that are adjacent to the proposed subdivision.

No. 120

1950

BILL

An Act to amend The Planning Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Planning Act, 1946*, as amended by ^{1946, c. 71,} section 2 of *The Planning Amendment Act, 1949*, is further ^{s. 2,} amended. amended by adding thereto the following subsection:

(2a) The Minister may include in a planning area any ^{Unorganized territory.} territory without municipal organization that adjoins a municipality included in the planning area.

2. Section 12 of *The Planning Act, 1946*, as re-enacted by ^{1946, c. 71,} section 5 of *The Planning Amendment Act, 1947* and amended ^{s. 12 (1947,} by section 4 of *The Planning Amendment Act, 1949*, is repealed ^{c. 75, s. 5),} and the following substituted therefor: re-enacted.

12.—(1) Notwithstanding any other general or special ^{Public works and by-laws} Act, where an official plan is in effect no public ^{certificate to conform with plan.} work shall be undertaken and no by-law shall be passed for any purpose that does not conform therewith, and any by-law so passed for a purpose that does not conform with the official plan shall be void unless certified under subsection 2.

(2) Where the Minister certifies that, in his opinion, a ^{Minister's certificate} by-law conforms with the general intent and pur- ^{that by-law conforms with plan.} pose of the official plan, the by-law shall be deemed to conform with the official plan.

3.—(1) Clause *a* of subsection 2 of section 25 of *The Planning Act, 1946* is repealed and the following substituted ^{1946, c. 71,} therefor: ^{s. 25, subs. 2,} ^{cl. a,} re-enacted.

(a) the locations, widths and names of the proposed highways within the proposed subdivisions and of existing highways on which the proposed subdivision abuts;

- (aa) on a small key plan, all of the land adjacent to the proposed subdivision which is owned by the applicant or in which the applicant has an interest.

1946, c. 71,
s. 25,
subs. 4a
(1947, c. 75,
s. 11,
subs. 5),
amended.

(2) Subsection 4a of the said section 25, as enacted by subsection 5 of section 11 of *The Planning Amendment Act, 1947* and amended by subsection 1 of section 10 of *The Planning Amendment Act, 1949*, is further amended by inserting after the word "feet" in the tenth line the words "or in the case of the King's Highway fifty feet", so that the subsection shall read as follows:

Dedication
of land for
public and
highway
purposes.

- (4a) The Minister may impose as a condition to the approval of a plan of subdivision that land to an amount determined by the Minister but not exceeding five per centum of the land included in the plan shall be dedicated for public purposes, other than highways, and that highways shall be dedicated adequate for the needs of the subdivision, and when the subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to a width of not more than forty-three feet; or in the case of the King's Highway fifty feet, from the centre line of the highway as originally established.

1946, c. 71,
s. 25, subs. 8,
re-enacted.

(3) Subsection 8 of the said section 25, as amended by subsection 3 of section 10 of *The Planning Amendment Act, 1949*, is repealed and the following substituted therefor:

Duplicates
to be
deposited
and sent to
Minister.
Rev. Stat.,
cc. 170, 174.

- (8) In addition to any requirement under *The Registry Act* or *The Land Titles Act*, the person tendering the plan of subdivision for registration shall deposit with the registrar or master of titles a duplicate, or when required by the Minister two duplicates, of the plan in the form of linen tracings or transparent linen prints of a type approved by the Minister, and the registrar or master shall endorse thereon a certificate showing the number of the plan and the date when the plan was registered and shall deliver such duplicate or duplicates to the Minister.

Commence-
ment of Act.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Planning Amendment Act, 1950*.

Subsection 2. The amendment to subsection 4a authorizes the Minister, as a condition to the approval of a subdivision plan, to require that, where the subdivision abuts on the King's Highway, land shall be dedicated sufficient to provide for the widening thereof to a width of not more than fifty feet from the centre line.

Subsection 3. The re-enactment of subsection 8 of section 25 ensures that the Minister will receive a copy of the plan as registered showing the number and date of the plan. Heretofore the person registering the plan was required to forward copies to the Minister, but they did not necessarily contain that information.

BILL

An Act to amend The Planning Act, 1946.

1st Reading

March 21st, 1950

2nd Reading

3rd Reading

MR. GRIESINGER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Planning Act, 1946.

MR. GRIESINGER

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTES

SECTION 1. The new subsection authorizes the Minister to include in a planning area unorganized territory adjoining any municipality included in the area.

SECTION 2. Section 12 is re-enacted to permit the Ontario Municipal Board, upon application, to declare that a by-law shall be deemed to conform with the official plan notwithstanding that strictly speaking it does not so conform. This will avoid the necessity of applications to amend the official plan to permit minor deviations that do not affect the broad purpose of the plan.

SECTION 3—Subsection 1. The requirements as to what must be indicated on a draft plan of subdivision are extended to include existing highways on which the proposed subdivision abuts and all lands in which the applicant has an interest that are adjacent to the proposed subdivision.

No. 120

1950

BILL

An Act to amend The Planning Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Planning Act, 1946*, as amended by 1946, c. 71, section 2 of *The Planning Amendment Act, 1949*, is further ^{s. 2,} amended. amended by adding thereto the following subsection:

(2a) The Minister may include in a planning area any ^{Unorganized territory.} territory without municipal organization that ad- joins a municipality included in the planning area.

2. Section 12 of *The Planning Act, 1946*, as re-enacted by 1946, c. 71, section 5 of *The Planning Amendment Act, 1947* and amended ^{s. 12 (1947,} by section 4 of *The Planning Amendment Act, 1949*, is repealed ^{c. 75, s. 5),} and the following substituted therefor: re-enacted.

12.—(1) Notwithstanding any other general or special ^{Public works and by-laws to conform with plan.} Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in sub- section 2, no by-law shall be passed for any purpose that does not conform therewith.

(2) The Ontario Municipal Board, upon the application of the council of a municipality for which an official plan is in effect may by its order declare that a ^{Municipal Board may approve by-law.} by-law of such municipality shall be deemed to conform with the official plan if the Board is of opinion that the by-law conforms with the general intent and purposes of the official plan.

(3) The procedure upon application to the Board under ^{Procedure.} subsection 2 shall be the same as nearly as may be as in the case of an application to the Board under ^{Rev. Stat.,} section 406 of *The Municipal Act*. c. 266.

3.—(1) Clause *a* of subsection 2 of section 25 of *The Planning Act, 1946* is repealed and the following substituted ^{1946, c. 71,} therefor: ^{s. 25, subs. 2,} ^{cl. a,} ^{re-enacted.}

(a) the locations, widths and names of the proposed highways within the proposed subdivisions and of existing highways on which the proposed sub- division abuts;

- (aa) on a small key plan, all of the land adjacent to the proposed subdivision which is owned by the applicant or in which the applicant has an interest.

1946, c. 71,
s. 25,
subs. 4a
(1947, c. 75,
s. 11,
subs. 5),
amended.

(2) Subsection 4a of the said section 25, as enacted by subsection 5 of section 11 of *The Planning Amendment Act, 1947* and amended by subsection 1 of section 10 of *The Planning Amendment Act, 1949*, is further amended by inserting after the word "feet" in the tenth line the words "or in the case of the King's Highway fifty feet", so that the subsection shall read as follows:

Dedication
of land for
public and
highway
purposes.

- (4a) The Minister may impose as a condition to the approval of a plan of subdivision that land to an amount determined by the Minister but not exceeding five per centum of the land included in the plan shall be dedicated for public purposes, other than highways, and that highways shall be dedicated adequate for the needs of the subdivision, and when the subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to a width of not more than forty-three feet, or in the case of the King's Highway fifty feet, from the centre line of the highway as originally established.

1946, c. 71,
s. 25, subs. 8,
re-enacted.

(3) Subsection 8 of the said section 25, as amended by subsection 3 of section 10 of *The Planning Amendment Act, 1949*, is repealed and the following substituted therefor:

Duplicates
to be
deposited
and sent to
Minister.
Rev. Stat.,
cc. 170, 174.

- (8) In addition to any requirement under *The Registry Act* or *The Land Titles Act*, the person tendering the plan of subdivision for registration shall deposit with the registrar or master of titles a duplicate, or when required by the Minister two duplicates, of the plan in the form of linen tracings or transparent linen prints of a type approved by the Minister, and the registrar or master shall endorse thereon a certificate showing the number of the plan and the date when the plan was registered and shall deliver such duplicate or duplicates to the Minister.

Commence-
ment of Act.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Planning Amendment Act, 1950*.

Subsection 2. The amendment to subsection 4a authorizes the Minister, as a condition to the approval of a subdivision plan, to require that, where the subdivision abuts on the King's Highway, land shall be dedicated sufficient to provide for the widening thereof to a width of not more than fifty feet from the centre line.

Subsection 3. The re-enactment of subsection 8 of section 25 ensures that the Minister will receive a copy of the plan as registered showing the number and date of the plan. Heretofore the person registering the plan was required to forward copies to the Minister, but they did not necessarily contain that information.

BILL

An Act to amend The Planning Act, 1946.

1st Reading

March 21st, 1950

2nd Reading

March 23rd, 1950

3rd Reading

MR. GRIESINGER

(*Reprinted as amended in Committee of the
Whole House.*)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Planning Act, 1946.

MR. GRIESINGER

No. 120

1950

BILL

An Act to amend The Planning Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Planning Act, 1946*, as amended by 1946, c. 71, section 2 of *The Planning Amendment Act, 1949*, is further amended, ^{s. 2,} amended by adding thereto the following subsection:

(2a) The Minister may include in a planning area any ^{Unorganized territory.} territory without municipal organization that adjoins a municipality included in the planning area.

2. Section 12 of *The Planning Act, 1946*, as re-enacted by 1946, c. 71, section 5 of *The Planning Amendment Act, 1947* and amended ^{s. 12 (1947, c. 75, s. 5),} by section 4 of *The Planning Amendment Act, 1949*, is repealed ^{re-enacted.} and the following substituted therefor:

12.—(1) Notwithstanding any other general or special ^{Public works and by-laws to conform with plan.} Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsection 2, no by-law shall be passed for any purpose that does not conform therewith.

(2) The Ontario Municipal Board, upon the application of the council of a municipality for which an official plan is in effect may by its order declare that a ^{Municipal Board may approve by-law.} by-law of such municipality shall be deemed to conform with the official plan if the Board is of opinion that the by-law conforms with the general intent and purposes of the official plan.

(3) The procedure upon application to the Board under ^{Procedure.} subsection 2 shall be the same as nearly as may be as in the case of an application to the Board under ^{Rev. Stat., c. 266.} section 406 of *The Municipal Act*.

3.—(1) Clause *a* of subsection 2 of section 25 of *The* ^{1946, c. 71, s. 25, subs. 2,} *Planning Act, 1946* is repealed and the following substituted ^{cl. a, re-enacted.} therefor:

(a) the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts;

- (aa) on a small key plan, all of the land adjacent to the proposed subdivision which is owned by the applicant or in which the applicant has an interest.

1946, c. 71,
s. 25,
subs. 4a
(1947, c. 75,
s. 11,
subs. 5),
amended.

(2) Subsection 4a of the said section 25, as enacted by subsection 5 of section 11 of *The Planning Amendment Act, 1947* and amended by subsection 1 of section 10 of *The Planning Amendment Act, 1949*, is further amended by inserting after the word "feet" in the tenth line the words "or in the case of the King's Highway fifty feet", so that the subsection shall read as follows:

Dedication
of land for
public and
highway
purposes.

- (4a) The Minister may impose as a condition to the approval of a plan of subdivision that land to an amount determined by the Minister but not exceeding five per centum of the land included in the plan shall be dedicated for public purposes, other than highways, and that highways shall be dedicated adequate for the needs of the subdivision, and when the subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to a width of not more than forty-three feet, or in the case of the King's Highway fifty feet, from the centre line of the highway as originally established.

1946, c. 71,
s. 25, subs. 8,
re-enacted.

(3) Subsection 8 of the said section 25, as amended by subsection 3 of section 10 of *The Planning Amendment Act, 1949*, is repealed and the following substituted therefor:

Duplicates
to be
deposited
and sent to
Minister.
Rev. Stat.,
cc. 170, 174.

- (8) In addition to any requirement under *The Registry Act* or *The Land Titles Act*, the person tendering the plan of subdivision for registration shall deposit with the registrar or master of titles a duplicate, or when required by the Minister two duplicates, of the plan in the form of linen tracings or transparent linen prints of a type approved by the Minister, and the registrar or master shall endorse thereon a certificate showing the number of the plan and the date when the plan was registered and shall deliver such duplicate or duplicates to the Minister.

Commence-
ment of Act.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Planning Amendment Act, 1950*.

BILL

An Act to amend The Planning Act, 1946.

1st Reading

March 21st, 1950

2nd Reading

March 23rd, 1950

3rd Reading

March 30th, 1950

MR. GRIESINGER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Fire Departments Act, 1949.

MR. PORTER

EXPLANATORY NOTES

SECTION 1. The subsections repealed gave authority to the Lieutenant-Governor in Council to withhold provincial grants where the municipality failed to provide funds required under a collective agreement, decision or award.

SECTION 2.—Subsection 1. The approval of the Superintendent of Insurance is no longer necessary. See note to subsection 1 of section 3 of this Bill.

Subsection 2. Cost of the normal operation and maintenance of fire department premises are added to fire department costs eligible for grants.

SECTION 3.—Subsection 1. The former provision respecting pension plans did not meet the needs of all municipalities. The new clause is more flexible.

Subsection 2. This subsection provided for claims in 1949. It is now spent and so is repealed.

SECTION 4. Sections 14 and 16 are reworded in new sections 14, 15 and 16 to provide for the payment of grants through the Department of Municipal Affairs. Otherwise the principles are unchanged.

Section 15 provided for the payment of grants after the 1st day of November in each year. Its repeal allows payment any time after the municipal statement of costs is certified.

No. 121

1950

BILL

An Act to amend The Fire Departments Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2, 3 and 4 of section 8 of *The Fire Departments Act, 1949* are repealed. 1949, c. 33, s. 8, subss. 2, 3, 4, repealed.

2.—(1) Clause *f* of subsection 1 of section 12 of *The Fire Departments Act, 1949* is amended by striking out the words “where the plan is approved by the Superintendent of Insurance” in the second and third lines, so that the clause shall read as follows: 1949, c. 33, s. 12, subss. 1, cl. *f*, amended.

(*f*) contributions to any pension plan for full-time fire fighters.

(2) Subsection 1 of the said section 12 is further amended by striking out the word “and” at the end of clause *h* and by adding thereto the following clause: 1949, c. 33, s. 12, subss. 1, amended.

(*hh*) the normal operation and maintenance of premises or portions thereof used for fire department purposes.

3.—(1) Clause *c* of subsection 1 of section 13 of *The Fire Departments Act, 1949* is repealed and the following substituted therefor: 1949, c. 33, s. 13, subss. 1, cl. *c*, re-enacted.

(*c*) in the case of a municipality employing any full-time fire fighters, unless there is in force for the full-time fire fighters a pension plan established under any Act under which the municipality contributes an amount that is not less than five per centum of the salaries of the members participating in the plan.

(2) Subsection 2 of the said section 13 is repealed.

1949, c. 33, s. 13, subss. 2, repealed.

4. Sections 14, 15 and 16 of *The Fire Departments Act, 1949* are repealed and the following substituted therefor: 1949, c. 33, ss. 14, 15, 16, re-enacted.

Claims
for grants.

14.—(1) The treasurer of a municipality making claim in any year to a grant under section 11 shall, so soon as may be in the year after the cost of the fire department for the preceding year has been determined, send to the Department of Municipal Affairs a statement in the form furnished by the Department showing,—

(a) that the requirements of section 13 have been met; and

(b) the cost of the fire department for the preceding year together with such particulars thereof as the Department may request.

Certification
of statement.

(2) The Department of Municipal Affairs shall examine the statement and if it is satisfied as to the correctness thereof it shall so certify to the Treasurer of Ontario.

Fire
pumper
grants.

15.—(1) The Treasurer of Ontario may make an additional grant out of the Consolidated Revenue Fund to any municipality that for the first time purchases a motorized fire pumper meeting the prescribed standards as part of the organization or re-organization of its fire department, of an amount equal to ten per centum of the purchase price of such pumper.

Statement
of purchase.

(2) The treasurer of the municipality shall send a statement of such purchase to the Fire Marshal in the form furnished by him.

Certification
of statement.

(3) The Fire Marshal shall examine the statement and if he is satisfied as to the correctness thereof, he shall so certify to the Department of Municipal Affairs.

Idem.

(4) If the Department of Municipal Affairs is satisfied as to the correctness thereof, it shall so certify to the Treasurer of Ontario.

Reference
to Ontario
Municipal
Board,
fire depart-
ment costs;

16.—(1) Where the Department of Municipal Affairs notifies the treasurer of the municipality that it is not satisfied as to the correctness of the statement mentioned in section 14, the council of the municipality, within fourteen days of the receipt by the treasurer of the notice, may refer any matter in dispute to the Ontario Municipal Board, whose decision thereon shall be final and shall be acted upon by the Department.

fire
apparatus.

(2) Where the certificate of the Fire Marshal is required as to whether fire apparatus or fire-fighting equip-

ment has met the prescribed standards, the council of the municipality, within fourteen days of the receipt by the treasurer of the municipality of notice of the certificate of the Fire Marshal, if it is not satisfied with such certificate it may refer any matter in dispute to the Ontario Municipal Board, whose decision thereon shall be final and shall be acted upon by the Fire Marshal.

5. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment of Act.

6. This Act may be cited as *The Fire Departments Amendment Act, 1950*. Short title.

BILL

An Act to amend
The Fire Departments Act, 1949.

1st Reading

March 21st, 1950

2nd Reading

3rd Reading

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Fire Departments Act, 1949.

MR. PORTER

(Reprinted as amended in Committee of the Whole House.)

No. 121

1950

BILL

An Act to amend The Fire Departments Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:



1.—(1) Subsection 1 of section 4 of *The Fire Departments Act, 1949* is amended by striking out the word “and” where it occurs the second time in the fifth line and inserting in lieu thereof the words “pensions or”, so that the subsection shall read as follows: 1949, c. 33, s. 4, subs. 1, amended.

- (1) When requested in writing by a majority of the full-time fire fighters, the council of the municipality shall bargain in good faith with a bargaining committee of the full-time fire fighters for the purpose of defining, determining and providing for remuneration, pensions or working conditions of the full-time fire fighters other than the chief of the fire department. Bargaining.

(2) The said section 4 is further amended by adding thereto the following subsection: 1949, c. 33, s. 4, amended.

- (4) When the request involves pensions under a pension plan established or to be established under *The Municipal Act*, notice of such request shall be given to the Department of Municipal Affairs which may determine the maximum pension benefits which may be included in any agreement, decision or award with respect to such pension plan. Pension plans under Rev. Stat., c. 266.

2. Subsection 2 of section 6 of *The Fire Departments Act, 1949* is repealed and the following substituted therefor: 1949, c. 33, s. 6, subs. 2, re-enacted.

- (2) Every agreement, decision or award shall remain in effect until the end of the year in which it comes into effect and thereafter shall remain in effect until replaced by a new agreement, decision or award. Duration of agreements, etc.

New agree-
ments, etc.

- (3) Either party to collective bargaining which has resulted in an agreement, decision or award may proceed under sections 24 and 25 at any time for a new agreement, decision or award.

1949, c. 33,
s. 8, subss.
2, 3, 4,
repealed.

3. Subsections 2, 3 and 4 of section 8 of *The Fire Departments Act, 1949* are repealed.

1949, c. 33,
s. 12, subss. 1,
cl. f,
amended.

- 4.—(1) Clause *f* of subsection 1 of section 12 of *The Fire Departments Act, 1949* is amended by striking out the words "where the plan is approved by the Superintendent of Insurance" in the second and third lines, so that the clause shall read as follows:

(f) contributions to any pension plan for full-time fire fighters.

1949, c. 33,
s. 12, subss. 1,
amended.

- (2) Subsection 1 of the said section 12 is further amended by striking out the word "and" at the end of clause *h* and by adding thereto the following clause:

(hh) the normal operation and maintenance of premises or portions thereof used for fire department purposes.

1949, c. 33,
s. 13, subss. 1,
cl. c,
re-enacted.

- 5.—(1) Clause *c* of subsection 1 of section 13 of *The Fire Departments Act, 1949* is repealed and the following substituted therefor:

(c) in the case of a municipality employing any full-time fire fighters, unless there is in force for the full-time fire fighters a pension plan established under any Act under which the municipality contributes an amount that is not less than five per centum of the salaries of the members participating in the plan.

1949, c. 33,
s. 13, subss. 2,
repealed.

- (2) Subsection 2 of the said section 13 is repealed.

1949, c. 33,
ss. 14, 15, 16,
re-enacted.

6. Sections 14, 15 and 16 of *The Fire Departments Act, 1949* are repealed and the following substituted therefor:

Claims
for grants.

- 14.—(1) The treasurer of a municipality making claim in any year to a grant under section 11 shall, so soon as may be in the year after the cost of the fire department for the preceding year has been determined, send to the Department of Municipal Affairs a statement in the form furnished by the Department showing,—

(a) that the requirements of section 13 have been met; and

EXPLANATORY NOTES

SECTION 3. The subsections repealed gave authority to the Lieutenant-Governor in Council to withhold provincial grants where the municipality failed to provide funds required under a collective agreement, decision or award.

SECTION 4.—Subsection 1. The approval of the Superintendent of Insurance is no longer necessary. See note to subsection 1 of section 3 of this Bill.

Subsection 2. Cost of the normal operation and maintenance of fire department premises are added to fire department costs eligible for grants.

SECTION 5.—Subsection 1. The former provision respecting pension plans did not meet the needs of all municipalities. The new clause is more flexible.

Subsection 2. This subsection provided for claims in 1949. It is now spent and so is repealed.

SECTION 6. Sections 14 and 16 are reworded in new sections 14, 15 and 16 to provide for the payment of grants through the Department of Municipal Affairs. Otherwise the principles are unchanged.

Section 15 provided for the payment of grants after the 1st day of November in each year. Its repeal allows payment any time after the municipal statement of costs is certified.

- (b) the cost of the fire department for the preceding year together with such particulars thereof as the Department may request.
- (2) The Department of Municipal Affairs shall examine the statement and if it is satisfied as to the correctness thereof it shall so certify to the Treasurer of Ontario. Certification of statement.
- 15.—(1) The Treasurer of Ontario may make an additional grant out of the Consolidated Revenue Fund to any municipality that for the first time purchases a motorized fire pumper meeting the prescribed standards as part of the organization or re-organization of its fire department, of an amount equal to ten per centum of the purchase price of such pumper. Fire pumper grants.
- (2) The treasurer of the municipality shall send a statement of such purchase to the Fire Marshal in the form furnished by him. Statement of purchase.
- (3) The Fire Marshal shall examine the statement and if he is satisfied as to the correctness thereof, he shall so certify to the Department of Municipal Affairs. Certification of statement.
- (4) If the Department of Municipal Affairs is satisfied as to the correctness thereof, it shall so certify to the Treasurer of Ontario. Idem.
- 16.—(1) Where the Department of Municipal Affairs notifies the treasurer of the municipality that it is not satisfied as to the correctness of the statement mentioned in section 14, the council of the municipality, within fourteen days of the receipt by the treasurer of the notice, may refer any matter in dispute to the Ontario Municipal Board, whose decision thereon shall be final and shall be acted upon by the Department. Reference to Ontario Municipal Board, fire department costs;
- (2) Where the certificate of the Fire Marshal is required as to whether fire apparatus or fire-fighting equipment has met the prescribed standards, the council of the municipality, within fourteen days of the receipt by the treasurer of the municipality of notice of the certificate of the Fire Marshal, if it is not satisfied with such certificate it may refer any matter in dispute to the Ontario Municipal Board, whose decision thereon shall be final and shall be acted upon by the Fire Marshal. fire apparatus.
7. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.
8. This Act may be cited as *The Fire Departments Amendment Act, 1950*. Short title.

BILL

An Act to amend
The Fire Departments Act, 1949.

1st Reading

March 21st, 1950

2nd Reading

March 23rd, 1950

3rd Reading

MR. PORTER

(Reprinted as amended in Committee of
the Whole House.)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Fire Departments Act, 1949.

MR. PORTER

BILL

An Act to amend The Fire Departments Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Fire Departments Act, 1949* is amended by striking out the word “and” where it occurs the second time in the fifth line and inserting in lieu thereof the words “pensions or”, so that the subsection shall read as follows: 1949, c. 33, s. 4, subs. 1, amended.

- (1) When requested in writing by a majority of the full-time fire fighters, the council of the municipality shall bargain in good faith with a bargaining committee of the full-time fire fighters for the purpose of defining, determining and providing for remuneration, pensions or working conditions of the full-time fire fighters other than the chief of the fire department. Bargaining.

(2) The said section 4 is further amended by adding thereto the following subsection: 1949, c. 33, s. 4, amended.

- (4) When the request involves pensions under a pension plan established or to be established under *The Municipal Act*, notice of such request shall be given to the Department of Municipal Affairs which may determine the maximum pension benefits which may be included in any agreement, decision or award with respect to such pension plan. Pension plans under Rev. Stat., c. 266.

2. Subsection 2 of section 6 of *The Fire Departments Act, 1949* is repealed and the following substituted therefor: 1949, c. 33, s. 6, subs. 2, re-enacted.

- (2) Every agreement, decision or award shall remain in effect until the end of the year in which it comes into effect and thereafter shall remain in effect until replaced by a new agreement, decision or award. Duration of agreements, etc.

New agree-
ments, etc.

- (3) Either party to collective bargaining which has resulted in an agreement, decision or award may proceed under sections 4 and 5 at any time for a new agreement, decision or award.

1949, c. 33,
s. 8, subss.
2, 3, 4,
repealed.

3. Subsections 2, 3 and 4 of section 8 of *The Fire Departments Act, 1949* are repealed.

1949, c. 33,
s. 12, subss. 1,
cl. f,
amended.

- 4.—(1) Clause *f* of subsection 1 of section 12 of *The Fire Departments Act, 1949* is amended by striking out the words “where the plan is approved by the Superintendent of Insurance” in the second and third lines, so that the clause shall read as follows:

- (f) contributions to any pension plan for full-time fire fighters.

1949, c. 33,
s. 12, subss. 1,
amended.

- (2) Subsection 1 of the said section 12 is further amended by striking out the word “and” at the end of clause *h* and by adding thereto the following clause:

- (*hh*) the normal operation and maintenance of premises or portions thereof used for fire department purposes.

1949, c. 33,
s. 13, subss. 1,
cl. c,
re-enacted.

- 5.—(1) Clause *c* of subsection 1 of section 13 of *The Fire Departments Act, 1949* is repealed and the following substituted therefor:

- (c) in the case of a municipality employing any full-time fire fighters, unless there is in force for the full-time fire fighters a pension plan established under any Act under which the municipality contributes an amount that is not less than five per centum of the salaries of the members participating in the plan.

1949, c. 33,
s. 13, subss. 2,
repealed.

- (2) Subsection 2 of the said section 13 is repealed.

1949, c. 33,
ss. 14, 15, 16,
re-enacted.

6. Sections 14, 15 and 16 of *The Fire Departments Act, 1949* are repealed and the following substituted therefor:

Claims
for grants.

- 14.—(1) The treasurer of a municipality making claim in any year to a grant under section 11 shall, so soon as may be in the year after the cost of the fire department for the preceding year has been determined, send to the Department of Municipal Affairs a statement in the form furnished by the Department showing,—

- (a) that the requirements of section 13 have been met; and

- (b) the cost of the fire department for the preceding year together with such particulars thereof as the Department may request.
- (2) The Department of Municipal Affairs shall examine the statement and if it is satisfied as to the correctness thereof it shall so certify to the Treasurer of Ontario. Certification of statement.
- 15.—(1) The Treasurer of Ontario may make an additional grant out of the Consolidated Revenue Fund to any municipality that for the first time purchases a motorized fire pumper meeting the prescribed standards as part of the organization or re-organization of its fire department, of an amount equal to ten per centum of the purchase price of such pumper. Fire pumper grants.
- (2) The treasurer of the municipality shall send a statement of such purchase to the Fire Marshal in the form furnished by him. Statement of purchase.
- (3) The Fire Marshal shall examine the statement and if he is satisfied as to the correctness thereof, he shall so certify to the Department of Municipal Affairs. Certification of statement.
- (4) If the Department of Municipal Affairs is satisfied as to the correctness thereof, it shall so certify to the Treasurer of Ontario. Idem.
- 16.—(1) Where the Department of Municipal Affairs notifies the treasurer of the municipality that it is not satisfied as to the correctness of the statement mentioned in section 14, the council of the municipality, within fourteen days of the receipt by the treasurer of the notice, may refer any matter in dispute to the Ontario Municipal Board, whose decision thereon shall be final and shall be acted upon by the Department. Reference to Ontario Municipal Board, fire department costs;
- (2) Where the certificate of the Fire Marshal is required as to whether fire apparatus or fire-fighting equipment has met the prescribed standards, the council of the municipality, within fourteen days of the receipt by the treasurer of the municipality of notice of the certificate of the Fire Marshal, if it is not satisfied with such certificate it may refer any matter in dispute to the Ontario Municipal Board, whose decision thereon shall be final and shall be acted upon by the Fire Marshal. fire apparatus.
7. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.
8. This Act may be cited as *The Fire Departments Amendment Act, 1950*. Short title



BILL

An Act to amend
The Fire Departments Act, 1949.

1st Reading

March 21st, 1950

2nd Reading

March 23rd, 1950

3rd Reading

April 4th, 1950

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Police Act, 1949.

MR. PORTER

EXPLANATORY NOTES

SECTION 1. Subsections 2, 3 and 4 of section 32, which authorize the Lieutenant-Governor in Council to direct the withholding of grants from any municipality that fails to make adequate provision in its estimates for the payment of expenditures required under any agreement, decision or award, are repealed. It is considered that sufficient sanction is to be found in clause *b* of subsection 1 of section 36 of the Act.

SECTION 2—Subsection 1. Clause *f* is re-enacted in order to bring it into line with the new clause *c* of subsection 1 of section 36 of the Act. See section 4 of this Bill.

Subsection 2. Clauses *hh* and *hhh* are new and allow municipalities to include in policing costs the cost of operation and maintenance of police buildings and the cost of police commissions.

Subsection 3. This subsection is re-enacted so that any municipality that buys police services from another municipality may qualify for provincial subsidies.

BILL

An Act to amend The Police Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2, 3 and 4 of section 32 of *The Police Act, 1949* are repealed. 1949, c. 72, s. 32, subss. 2, 3, 4, repealed.

2.—(1) Clause *f* of subsection 1 of section 35 of *The Police Act, 1949* is repealed and the following substituted therefor: 1949, c. 72, s. 35, subs. 1, cl. *f*, re-enacted.

(*f*) contributions to any pension plan for the members.

(2) Subsection 1 of the said section 35 is further amended 1949, c. 72, s. 35, subs. 1, amended. by striking out the word "and" at the end of clause *h* and by adding thereto the following clauses:

(*hh*) the normal operation and maintenance of premises or portions thereof used for police purposes;

(*hhh*) remuneration and allowances provided for in subsection 4 of section 7.

(3) Subsection 3 of the said section 35 is repealed and the following substituted therefor: 1949, c. 72, s. 35, subs. 3, re-enacted.

(3) Where a municipality provides police services in another municipality pursuant to an agreement made under section 51, Municipal policing agreements.

(*a*) the municipality receiving the police services shall be deemed to have a police force and the payments made during the year under any such agreement shall be deemed to be part of the cost thereof;

(*b*) the amount of the grant shall be based upon the population of the municipality receiving the police services; and

- (c) the municipality receiving payment for the police services shall deduct the amount thereof from the total of its cost before any claim is made by it under this Part.

1949,
c. 72, s. 35,
subs. 4,
re-enacted.

- (4) Subsection 4 of the said section 35 is repealed and the following substituted therefor:

Provincial
policing
agreements.

- (4) Where the Commissioner provides police services in a municipality mentioned in section 2 pursuant to an agreement under section 52, the municipality shall be deemed to have a police force and the payments made during the year under any such agreement shall be deemed to be part of the cost thereof.

1949,
c. 72, s. 36,
subs. 1, cl. c,
re-enacted.

- 3.—(1) Clause c of subsection 1 of section 36 of *The Police Act, 1949* is repealed and the following substituted therefor:

- (c) unless a pension plan established under any Act for the members is in force under which the municipality contributes an amount not less than five per centum of the amount of the salaries of the members participating in the plan.

1949,
c. 72, s. 36,
subs. 2,
repealed.

- (2) Subsection 2 of the said section 36 is repealed.

1949,
c. 72, s. 37,
re-enacted.

4. Section 37 of *The Police Act, 1949* is repealed and the following substituted therefor:

Treasurer's
statement.

- 37.—(1) The treasurer of a municipality making claim in any year to a grant under this Part shall, so soon as may be in the year after the cost of the police force for the preceding year has been determined, send to the Department of Municipal Affairs a statement in the form furnished by the Department showing,

- (a) that the requirements of section 36 have been met; and

- (b) the cost of the police force for the preceding year together with such particulars thereof as the Department may request.

Certificate
as to
accuracy.

- (2) The Department of Municipal Affairs shall examine the statement and if it is satisfied as to the correctness thereof it shall so certify to the Treasurer of Ontario.

Subsection 4. Subsection 4 of section 35 is re-enacted to provide procedures for the payment of provincial subsidies to municipalities policed by the Provincial Police similar to those applicable to municipalities policed by other municipal police forces.

SECTION 3—Subsection 1. A pension plan of the type specified is required before a provincial subsidy can be paid. The type specified in the new clause *c* is wider than the type in the present clause.

Subsection 2. Subsection 2 of section 36 of the Act, which applied to claims made in 1949, is spent and is therefore repealed.

SECTION 4. The administration of Part III of the Act, which deals with provincial subsidies for municipal police forces, is being transferred from the Commissioner of Police for Ontario to the Department of Municipal Affairs. The changes made in the language of the section are designed to accommodate this change.

SECTION 5. Section 38 of the Act, which permitted the Treasurer of Ontario to pay the provincial subsidy after the 1st day of November in the year in which the claim was made, is repealed in order to enable the Treasurer to pay the subsidies earlier.

SECTION 6. Self explanatory.

SECTION 7. Under the present section 51 an agreement for police services may be made only by a municipality adjacent to a city. Under the section as re-enacted such agreements may be made by any municipality with any other municipality.

- (3) Where the Department of Municipal Affairs notifies the treasurer of the municipality that it is not satisfied as to the correctness of the statement, the council of the municipality, within fourteen days of the receipt by the treasurer of the notice, may refer any matter in dispute to the Ontario Municipal Board, whose decision thereon shall be final and shall be acted upon by the Department.

Reference
to Ontario
Municipal
Board.

5. Section 38 of *The Police Act, 1949* is repealed.

1949,
c. 72, s. 38,
repealed.

6. Subsection 3 of section 39 of *The Police Act, 1949* is amended by inserting after the word "Commissioner" in the first line the words "or a Deputy Commissioner", so that the subsection shall read as follows:

1949,
c. 72, s. 39,
subs. 3,
amended.

- (3) The Commissioner or a Deputy Commissioner may hold an inquiry into the conduct of any member of the Ontario Provincial Police Force or of any officer or employee under his control and upon such inquiry shall have and may exercise all the powers and authority which may be conferred upon a person appointed under the provisions of *The Public Inquiries Act*.

Investiga-
tion by
Commis-
sioner or
Deputy
Commis-
sioner

Rev. Stat.,
c. 19.

7. Section 51 of *The Police Act, 1949* is repealed and the following substituted therefor:

1949,
c. 72, s. 51,
re-enacted.

51. The board, or if none, the council of any municipality may by agreement with the board, or if none, the council of another municipality, provide that the services of the members of the police force of the first-mentioned municipality shall be available in the other municipality upon such terms and conditions as are set forth in the agreement.

Municipal
policing
agreements.

8. This Act shall come into force on the day it receives the Royal Assent.

Commence-
ment of Act.

9. This Act may be cited as *The Police Amendment Act, 1950*.

Short title.

BILL

An Act to amend The Police Act, 1949.

1st Reading

March 21st, 1950

2nd Reading

3rd Reading

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Police Act, 1949.

MR. PORTER

(Reprinted as amended in Committee of the Whole House.)

BILL

An Act to amend The Police Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 27 of *The Police Act, 1949* ^{1949, c. 72, s. 27, subs. 1, amended.} is amended by striking out the word “and” in the sixth line and inserting in lieu thereof the words “pensions or”, so that the subsection shall read as follows:

- (1) When requested in writing by a majority of the full-time members of the police force, the council of the municipality or where there is a board, the board shall bargain in good faith with a bargaining committee of the members of the police force for the purpose of defining, determining and providing for remuneration, pensions or working conditions of the members of the police force other than the chief constable, except such working conditions as may be governed by any regulations made by the Lieutenant-Governor in Council pursuant to this Act. ^{Bargaining.}

(2) The said section 27 is further amended by adding thereto the following subsection: ^{1949, c. 72, s. 27, amended.}

- (4) When the request involves pensions under a pension plan established or to be established under *The Municipal Act*, notice of such request shall be given to the Department of Municipal Affairs which may determine the maximum pension benefits which may be included in any agreement, decision or award with respect to such pension plan. ^{Pension plans under Rev. Stat., c. 266.}

2. Subsection 2 of section 30 of *The Police Act, 1949* is ^{1949, c. 72, s. 30, subs. 2, re-enacted.} repealed and the following substituted therefor:

- (2) Every agreement, decision or award shall remain in effect until the end of the year in which it comes into effect and thereafter shall remain in effect until replaced by a new agreement, decision or award. ^{Duration of agreements, etc.}

New agree-
ments, etc.

- (3) Either party to collective bargaining which has resulted in an agreement, decision or award may proceed under sections 27, 28 and 29 at any time for a new agreement, decision or award.

1949,
c. 72, s. 32,
subss. 2, 3, 4,
1949 repealed.

3. Subsections 2, 3 and 4 of section 32 of *The Police Act*, 1949 are repealed.

1949,
c. 72, s. 35,
subs. 1, cl. f,
re-enacted.

- 4.—(1) Clause *f* of subsection 1 of section 35 of *The Police Act*, 1949 is repealed and the following substituted therefor:

(f) contributions to any pension plan for the members.

1949,
c. 72, s. 35,
subs. 1,
amended.

- (2) Subsection 1 of the said section 35 is further amended by striking out the word "and" at the end of clause *h* and by adding thereto the following clauses:

(*hh*) the normal operation and maintenance of premises or portions thereof used for police purposes;

(*hhh*) remuneration and allowances provided for in subsection 4 of section 7.

1949,
c. 72, s. 35,
subs. 3,
re-enacted.

- (3) Subsection 3 of the said section 35 is repealed and the following substituted therefor:

Municipal
policing
agreements.

- (3) Where a municipality provides police services in another municipality pursuant to an agreement made under section 51,

(a) the municipality receiving the police services shall be deemed to have a police force and the payments made during the year under any such agreement shall be deemed to be part of the cost thereof;

(b) the amount of the grant shall be based upon the population of the municipality receiving the police services; and

(c) the municipality receiving payment for the police services shall deduct the amount thereof from the total of its cost before any claim is made by it under this Part.

1949,
c. 72, s. 35,
subs. 4,
re-enacted.

- (4) Subsection 4 of the said section 35 is repealed and the following substituted therefor:

Provincial
policing
agreements.

- (4) Where the Commissioner provides police services in a municipality mentioned in section 2 pursuant to an agreement under section 52, the municipality shall

EXPLANATORY NOTES

SECTION 3. Subsections 2, 3 and 4 of section 32, which authorize the Lieutenant-Governor in Council to direct the withholding of grants from any municipality that fails to make adequate provision in its estimates for the payment of expenditures required under any agreement, decision or award, are repealed. It is considered that sufficient sanction is to be found in clause *b* of subsection 1 of section 36 of the Act.

SECTION 4—Subsection 1. Clause *f* is re-enacted in order to bring it into line with the new clause *c* of subsection 1 of section 36 of the Act. See section 4 of this Bill.

Subsection 2. Clauses *hh* and *hhh* are new and allow municipalities to include in policing costs the cost of operation and maintenance of police buildings and the cost of police commissions.

Subsection 3. This subsection is re-enacted so that any municipality that buys police services from another municipality may qualify for provincial subsidies.

Subsection 4. Subsection 4 of section 35 is re-enacted to provide procedures for the payment of provincial subsidies to municipalities policed by the Provincial Police similar to those applicable to municipalities policed by other municipal police forces.

SECTION 5—Subsection 1. A pension plan of the type specified is required before a provincial subsidy can be paid. The type specified in the new clause *c* is wider than the type in the present clause.

Subsection 2. Subsection 2 of section 36 of the Act, which applied to claims made in 1949, is spent and is therefore repealed.

SECTION 6. The administration of Part III of the Act, which deals with provincial subsidies for municipal police forces, is being transferred from the Commissioner of Police for Ontario to the Department of Municipal Affairs. The changes made in the language of the section are designed to accommodate this change.

SECTION 7. Section 38 of the Act, which permitted the Treasurer of Ontario to pay the provincial subsidy after the 1st day of November in the year in which the claim was made, is repealed in order to enable the Treasurer to pay the subsidies earlier.

SECTION 8. Self explanatory.

be deemed to have a police force and the payments made during the year under any such agreement shall be deemed to be part of the cost thereof.

5.—(1) Clause *c* of subsection 1 of section 36 of *The Police Act, 1949* is repealed and the following substituted therefor: 1949, c. 72, s. 36, subs. 1, cl. c, re-enacted.

(c) unless a pension plan established under any Act for the members is in force under which the municipality contributes an amount not less than five per centum of the amount of the salaries of the members participating in the plan.

(2) Subsection 2 of the said section 36 is repealed.

1949, c. 72, s. 36, subs. 2, repealed.

6. Section 37 of *The Police Act, 1949* is repealed and the following substituted therefor: 1949, c. 72, s. 37, re-enacted.

37.—(1) The treasurer of a municipality making claim in any year to a grant under this Part shall, so soon as may be in the year after the cost of the police force for the preceding year has been determined, send to the Department of Municipal Affairs a statement in the form furnished by the Department showing, Treasurer's statement.

(a) that the requirements of section 36 have been met; and

(b) the cost of the police force for the preceding year together with such particulars thereof as the Department may request.

(2) The Department of Municipal Affairs shall examine the statement and if it is satisfied as to the correctness thereof it shall so certify to the Treasurer of Ontario. Certificate as to accuracy.

(3) Where the Department of Municipal Affairs notifies the treasurer of the municipality that it is not satisfied as to the correctness of the statement, the council of the municipality, within fourteen days of the receipt by the treasurer of the notice, may refer any matter in dispute to the Ontario Municipal Board, whose decision thereon shall be final and shall be acted upon by the Department. Reference to Ontario Municipal Board.

7. Section 38 of *The Police Act, 1949* is repealed.

1949, c. 72, s. 38, repealed.

8. Subsection 3 of section 39 of *The Police Act, 1949* is amended by inserting after the word "Commissioner" in the 1949, c. 72, s. 39, subs. 3, amended.

first line the words "or a Deputy Commissioner", so that the subsection shall read as follows:

Investigation by Commissioner or Deputy Commissioner

- (3) The Commissioner or a Deputy Commissioner may hold an inquiry into the conduct of any member of the Ontario Provincial Police Force or of any officer or employee under his control and upon such inquiry shall have and may exercise all the powers and authority which may be conferred upon a person appointed under the provisions of *The Public Inquiries Act*.

Rev. Stat., c. 19.

1949, c. 72, s. 51, re-enacted.

9. Section 51 of *The Police Act, 1949* is repealed and the following substituted therefor:

Municipal policing agreements.

51. The board, or if none, the council of any municipality may by agreement with the board, or if none, the council of another municipality, provide that the services of the members of the police force of the first-mentioned municipality shall be available in the other municipality upon such terms and conditions as are set forth in the agreement.

Commencement of Act.

10. This Act shall come into force on the day it receives the Royal Assent.

Short title.

11. This Act may be cited as *The Police Amendment Act, 1950*.

SECTION 9. Under the present section 51 an agreement for police services may be made only by a municipality adjacent to a city. Under the section as re-enacted such agreements may be made by any municipality with any other municipality.

BILL

An Act to amend The Police Act, 1949.

1st Reading

March 21st, 1950

2nd Reading

March 24th, 1950

3rd Reading

MR. PORTER

*(Reprinted as amended in Committee of
the Whole House.)*

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Police Act, 1949.

MR. PORTER

BILL

An Act to amend The Police Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 27 of *The Police Act, 1949* ^{1949, c. 72, s. 27, subs. 1, amended.} is amended by striking out the word “and” in the sixth line and inserting in lieu thereof the words “pensions or”, so that the subsection shall read as follows:

- (1) When requested in writing by a majority of the full-time members of the police force, the council of the municipality or where there is a board, the board shall bargain in good faith with a bargaining committee of the members of the police force for the purpose of defining, determining and providing for remuneration, pensions or working conditions of the members of the police force other than the chief constable, except such working conditions as may be governed by any regulations made by the Lieutenant-Governor in Council pursuant to this Act. ^{Bargaining.}

(2) The said section 27 is further amended by adding thereto the following subsection: ^{1949, c. 72, s. 27, amended.}

- (4) When the request involves pensions under a pension plan established or to be established under *The Municipal Act*, notice of such request shall be given to the Department of Municipal Affairs which may determine the maximum pension benefits which may be included in any agreement, decision or award with respect to such pension plan. ^{Pension plans under Rev. Stat., c. 266.}

2. Subsection 2 of section 30 of *The Police Act, 1949* ^{1949, c. 72, s. 30, subs. 2, re-enacted.} is repealed and the following substituted therefor:

- (2) Every agreement, decision or award shall remain in effect until the end of the year in which it comes into effect and thereafter shall remain in effect until replaced by a new agreement, decision or award. ^{Duration of agreements, etc.}

New agree-
ments, etc.

- (3) Either party to collective bargaining which has resulted in an agreement, decision or award may proceed under sections 27, 28 and 29 at any time for a new agreement, decision or award.

1949,
c. 72, s. 32,
subss. 2, 3, 4,
repealed.

3. Subsections 2, 3 and 4 of section 32 of *The Police Act*, 1949 are repealed.

1949,
c. 72, s. 35,
subs. 1, cl. f,
re-enacted.

- 4.—(1) Clause *f* of subsection 1 of section 35 of *The Police Act*, 1949 is repealed and the following substituted therefor:

(f) contributions to any pension plan for the members.

1949,
c. 72, s. 35,
subs. 1,
amended.

- (2) Subsection 1 of the said section 35 is further amended by striking out the word "and" at the end of clause *h* and by adding thereto the following clauses:

(*hh*) the normal operation and maintenance of premises or portions thereof used for police purposes;

(*hhh*) remuneration and allowances provided for in subsection 4 of section 7.

1949,
c. 72, s. 35,
subs. 3,
re-enacted.

- (3) Subsection 3 of the said section 35 is repealed and the following substituted therefor:

Municipal
policing
agreements.

- (3) Where a municipality provides police services in another municipality pursuant to an agreement made under section 51,

(a) the municipality receiving the police services shall be deemed to have a police force and the payments made during the year under any such agreement shall be deemed to be part of the cost thereof;

(b) the amount of the grant shall be based upon the population of the municipality receiving the police services; and

(c) the municipality receiving payment for the police services shall deduct the amount thereof from the total of its cost before any claim is made by it under this Part.

1949,
c. 72, s. 35,
subs. 4,
re-enacted.

- (4) Subsection 4 of the said section 35 is repealed and the following substituted therefor:

Provincial
policing
agreements.

- (4) Where the Commissioner provided police services in a municipality mentioned in section 2 pursuant to an agreement under section 52, the municipality shall

be deemed to have a police force and the payments made during the year under any such agreement shall be deemed to be part of the cost thereof.

5.—(1) Clause *c* of subsection 1 of section 36 of *The Police Act, 1949* is repealed and the following substituted therefor: 1949, c. 72, s. 36, subs. 1, cl. *c*, re-enacted.

- (*c*) unless a pension plan established under any Act for the members is in force under which the municipality contributes an amount not less than five per centum of the amount of the salaries of the members participating in the plan.

(2) Subsection 2 of the said section 36 is repealed.

1949, c. 72, s. 36, subs. 2, repealed.

6. Section 37 of *The Police Act, 1949* is repealed and the following substituted therefor: 1949, c. 72, s. 37, re-enacted.

37.—(1) The treasurer of a municipality making claim in any year to a grant under this Part shall, so soon as may be in the year after the cost of the police force for the preceding year has been determined, send to the Department of Municipal Affairs a statement in the form furnished by the Department showing, Treasurer's statement.

(*a*) that the requirements of section 36 have been met; and

(*b*) the cost of the police force for the preceding year together with such particulars thereof as the Department may request.

(2) The Department of Municipal Affairs shall examine the statement and if it is satisfied as to the correctness thereof it shall so certify to the Treasurer of Ontario. Certificate as to accuracy.

(3) Where the Department of Municipal Affairs notifies the treasurer of the municipality that it is not satisfied as to the correctness of the statement, the council of the municipality, within fourteen days of the receipt by the treasurer of the notice, may refer any matter in dispute to the Ontario Municipal Board, whose decision thereon shall be final and shall be acted upon by the Department. Reference to Ontario Municipal Board.

7. Section 38 of *The Police Act, 1949* is repealed.

1949, c. 72, s. 38, repealed.

8. Subsection 3 of section 39 of *The Police Act, 1949* is amended by inserting after the word "Commissioner" in the 1949, c. 72, s. 39, subs. 3, amended.

first line the words "or a Deputy Commissioner", so that the subsection shall read as follows:

Investigation by Commissioner or Deputy Commissioner

- (3) The Commissioner or a Deputy Commissioner may hold an inquiry into the conduct of any member of the Ontario Provincial Police Force or of any officer or employee under his control and upon such inquiry shall have and may exercise all the powers and authority which may be conferred upon a person appointed under the provisions of *The Public Inquiries Act*.

Rev. Stat., c. 19.

1949, c. 72, s. 51, re-enacted.

9. Section 51 of *The Police Act, 1949* is repealed and the following substituted therefor:

Municipal policing agreements.

- *51. The board, or if none, the council of any municipality may by agreement with the board, or if none, the council of another municipality, provide that the services of the members of the police force of the first-mentioned municipality shall be available in the other municipality upon such terms and conditions as are set forth in the agreement.

Commencement of Act.

10. This Act shall come into force on the day it receives the Royal Assent.

Short title.

11. This Act may be cited as *The Police Amendment Act, 1950*.

BILL

An Act to amend The Police Act, 1949.

1st Reading

March 21st, 1950

2nd Reading

March 24th, 1950

3rd Reading

April 4th, 1950

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Investment Contracts Act, 1948.

MR. PORTER

EXPLANATORY NOTES

SECTION 1. The amendment is to make it clear that at least \$100,000 of unimpaired paid-in capital is required before a corporation may be registered as an issuer.

SECTION 2. The new section 9a provides that liability of investment contracts shall be calculated on a mathematical basis and allows the Superintendent to exercise discretion where the circumstances require it.

The new section 9b limits the powers of investments to the investments authorized under the law of Ontario for joint stock insurance companies and for companies registered under the *Canadian and British Insurance Companies Act, 1932* (Canada).

The new section 9c provides specific authority for the acquiring and holding of real property by registered issuers.

BILL

An Act to amend The Investment Contracts Act, 1948.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 4 of *The Investments Contracts Act*, 1948, c. 49, 1948 is amended by adding at the end thereof the words "and ^{s. 4, cl. b,} amended." is unimpaired", so that the clause shall read as follows:

(b) at least \$100,000 of its authorized capital stock has been subscribed and paid in, in cash, and is unimpaired.

2. *The Investment Contracts Act*, 1948 is amended by adding ^{1948, c. 49,} thereto the following sections:

9a. Every registered issuer shall, at all times,—

Liability of
contracts.

(a) maintain reserves for the payment of its outstanding investment contracts that, together with all future payments to be received by the issuer on such investment contracts, or the portions of such future payments still to be applied to reserves, and with accumulations of interest at an assumed rate provided in the contracts, such rate not to exceed a rate approved by the Superintendent, will attain the face or maturity value specified in the contracts when due, or the amount payable in accordance with the terms of the contracts; or

(b) maintain reserves of such lesser amount as the Superintendent may deem appropriate in the circumstances,

provided such reserves shall at no time be less than the amount for which such registered issuer, under

the terms of its investment contracts, is liable to pay in cash to the holders of all its investment contracts then outstanding.

Investment
of funds.

Rev. Stat.,
c. 251.

1932, c. 46
(Can.).

9b. Subject to section 9c, a registered issuer may invest its funds only in investments in which a joint stock insurance company may invest its funds under *The Companies Act*, or in investments in which a company registered under the *Canadian and British Insurance Companies Act, 1932* (Canada) may invest its funds.

Power to
acquire and
hold real
property.

Rev. Stat.,
c. 147.

9c.—(1) A registered issuer may acquire and hold for its own use and benefit such real property as is necessary for the transaction of its business and upon complying with and subject to *The Mortmain and Charitable Uses Act* may acquire or hold or construct a building larger than is required for the transaction of its business and may lease any part of such building not so required.

Idem.

(2) A registered issuer may acquire and hold such real property as is *bona fide* mortgaged to it by way of security, and such real property as is acquired by it by foreclosure or in satisfaction of a debt, and may sell, mortgage, lease or otherwise dispose of such real property, but such issuer shall sell any such last-mentioned real property within seven years after it has been so acquired.

1948, c. 49,
s. 10, subs. 2,
amended.

3. Subsection 2 of section 10 of *The Investment Contracts Act, 1948* is amended by striking out the words "assets of the issuer are insufficient" in the fourth line and inserting in lieu thereof the words "issuer will be unable", so that the subsection shall read as follows:

Idem.

(2) The Superintendent may suspend or cancel the registration of an issuer where it appears to him from the statements and reports filed with him or from an inspection or valuation that the issuer will be unable to provide for the payment of its investment contracts at maturity.

1948, c. 49,
s. 13, subs. 1,
cl. a,
re-enacted.

4.—(1) Clause a of subsection 1 of section 13 of *The Investment Contracts Act, 1948* is repealed and the following substituted therefor:

(a) the amount on the last day of the quarterly period required by section 9a to be maintained as reserves by the issuer on all outstanding investment contracts.

SECTION 3. The amendment will permit the Superintendent to suspend or cancel registration where it appears that the security of certificate will be impaired.

SECTION 4. The amendment will require the full reserve of issuers to be shown in the quarterly statements and the market value of all securities to be shown on the balance sheet.

SECTION 5. Section 17 is re-enacted to include a provision that bonds in default or not amply secured shall be valued at market values as of the date of the statement and that stocks in the aggregate shall not be valued in excess of the aggregate current market values. Also the Superintendent is permitted to value mortgages at an amount not greater than the appraised value of the real estate securing such mortgages.

(2) The said section 13 is further amended by adding thereto the following subsection: 1948, c. 49, s. 13, amended.

(2a) The market value of all securities at the date of the statement shall be noted on the balance sheet. Market value of securities.

5. Section 17 of *The Investment Contracts Act, 1948* is repealed and the following substituted therefor: 1948, c. 49, s. 17, re-enacted.

17. In any statement or balance sheet to be filed with the Superintendent under this Act, an issuer may value its assets as follows: Valuation of assets.

(a) cash—in the amount thereof in lawful money of Canada;

(b) first mortgages—in the amount of the balance of the principal sum secured thereby together with all unpaid interest accrued thereon;

(c) bonds, debentures and other evidences of indebtedness having a fixed term and rate of interest which are not in default as to principal or interest and which in the opinion of the Superintendent are amply secured,

(i) if purchased at par, at the par value;

(ii) if purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield meantime the effective rate of interest at which the purchase was made,

provided that the purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase;

(d) bonds, debentures and other evidences of indebtedness having a fixed term and rate of interest which are in default as to principal or interest or which in the opinion of the Superintendent are not amply secured—at the market value at the date of the statement;

(e) stocks—at the book value not in excess of the cost to the issuer and in the aggregate not in excess of the aggregate market value at the date of the statement; and

- (f) other securities—at the book value but not in excess of the aggregate market value at the date of the statement;

provided that, where any assets consist of securities whose market values are unduly depressed and in respect of which, companies registered under the *Canadian and British Insurance Companies Act, 1932* (Canada) have been authorized to use values in excess of such market values, such assets may, with the approval of the Superintendent, be valued as authorized under that Act; and provided further that if it appears to the Superintendent that the amount secured by mortgage on any parcel of real estate together with interest due and accrued thereon, is greater than the value of such parcel, or that such parcel is not sufficient for the loan and interest, he may procure an appraisal thereof, and if from the appraised value it appears that such parcel of real estate is not adequate security for the loan and interest, such loan or mortgage shall be valued at an amount not to exceed the appraised value.

1932, c. 46
(Can.).

Commence-
ment of Act.

6. This Act shall come into force on the day it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Investment Contracts Amendment Act, 1950*.

BILL

An Act to amend The Investment
Contracts Act, 1948.

1st Reading

March 21st, 1950

2nd Reading

3rd Reading

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Investment Contracts Act, 1948.

MR. PORTER

BILL

An Act to amend The Investment Contracts Act, 1948.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 4 of *The Investments Contracts Act*, 1948, c. 49, 1948 is amended by adding at the end thereof the words "and ^{s. 4, cl. b, amended.} is unimpaired", so that the clause shall read as follows:

(*b*) at least \$100,000 of its authorized capital stock has been subscribed and paid in, in cash, and is unimpaired.

2. *The Investment Contracts Act, 1948* is amended by adding ^{1948, c. 49, amended.} thereto the following sections:

9a. Every registered issuer shall, at all times,—

Liability of
contracts.

(*a*) maintain reserves for the payment of its outstanding investment contracts that, together with all future payments to be received by the issuer on such investment contracts, or the portions of such future payments still to be applied to reserves, and with accumulations of interest at an assumed rate provided in the contracts, such rate not to exceed a rate approved by the Superintendent, will attain the face or maturity value specified in the contracts when due, or the amount payable in accordance with the terms of the contracts; or

(*b*) maintain reserves of such lesser amount as the Superintendent may deem appropriate in the circumstances,

provided such reserves shall at no time be less than the amount for which such registered issuer, under

the terms of its investment contracts, is liable to pay in cash to the holders of all its investment contracts then outstanding.

Investment
of funds.

Rev. Stat.,
c. 251.

1932, c. 46
(Can.).

- 9b. Subject to section 9c, a registered issuer may invest its funds only in investments in which a joint stock insurance company may invest its funds under *The Companies Act*, or in investments in which a company registered under the *Canadian and British Insurance Companies Act, 1932* (Canada) may invest its funds.

Power to
acquire and
hold real
property.

Rev. Stat.,
c. 147.

- 9c.—(1) A registered issuer may acquire and hold for its own use and benefit such real property as is necessary for the transaction of its business and upon complying with and subject to *The Mortmain and Charitable Uses Act* may acquire or hold or construct a building larger than is required for the transaction of its business and may lease any part of such building not so required.

Idem.

- (2) A registered issuer may acquire and hold such real property as is *bona fide* mortgaged to it by way of security, and such real property as is acquired by it by foreclosure or in satisfaction of a debt, and may sell, mortgage, lease or otherwise dispose of such real property, but such issuer shall sell any such last-mentioned real property within seven years after it has been so acquired.

1948, c. 49,
s. 10, subs. 2,
amended.

3. Subsection 2 of section 10 of *The Investment Contracts Act, 1948* is amended by striking out the words "assets of the issuer are insufficient" in the fourth line and inserting in lieu thereof the words "issuer will be unable", so that the subsection shall read as follows:

Idem.

- (2) The Superintendent may suspend or cancel the registration of an issuer where it appears to him from the statements and reports filed with him or from an inspection or valuation that the issuer will be unable to provide for the payment of its investment contracts at maturity.

1948, c. 49,
s. 13, subs. 1,
cl. a,
re-enacted.

- 4.—(1) Clause *a* of subsection 1 of section 13 of *The Investment Contracts Act, 1948* is repealed and the following substituted therefor:

- (a) the amount on the last day of the quarterly period required by section 9a to be maintained as reserves by the issuer on all outstanding investment contracts.

(2) The said section 13 is further amended by adding thereto the following subsection: 1948, c. 49, s. 13, amended.

(2a) The market value of all securities at the date of the statement shall be noted on the balance sheet. Market value of securities.

5. Section 17 of *The Investment Contracts Act, 1948* is repealed and the following substituted therefor: 1948, c. 49, s. 17, re-enacted.

17. In any statement or balance sheet to be filed with the Superintendent under this Act, an issuer may value its assets as follows: Valuation of assets.

- (a) cash—in the amount thereof in lawful money of Canada;
- (b) first mortgages—in the amount of the balance of the principal sum secured thereby together with all unpaid interest accrued thereon;
- (c) bonds, debentures and other evidences of indebtedness having a fixed term and rate of interest which are not in default as to principal or interest and which in the opinion of the Superintendent are amply secured,
 - (i) if purchased at par, at the par value;
 - (ii) if purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield meantime the effective rate of interest at which the purchase was made,

provided that the purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase;

- (d) bonds, debentures and other evidences of indebtedness having a fixed term and rate of interest which are in default as to principal or interest or which in the opinion of the Superintendent are not amply secured—at the market value at the date of the statement;
- (e) stocks—at the book value not in excess of the cost to the issuer and in the aggregate not in excess of the aggregate market value at the date of the statement; and

- (f) other securities—at the book value but not in excess of the aggregate market value at the date of the statement;

1932, c. 46
(Can.).

provided that, where any assets consist of securities whose market values are unduly depressed and in respect of which, companies registered under the *Canadian and British Insurance Companies Act, 1932* (Canada) have been authorized to use values in excess of such market values, such assets may, with the approval of the Superintendent, be valued as authorized under that Act; and provided further that if it appears to the Superintendent that the amount secured by mortgage on any parcel of real estate together with interest due and accrued thereon, is greater than the value of such parcel, or that such parcel is not sufficient for the loan and interest, he may procure an appraisalment thereof, and if from the appraised value it appears that such parcel of real estate is not adequate security for the loan and interest, such loan or mortgage shall be valued at an amount not to exceed the appraised value.

Commence-
ment of Act.

6. This Act shall come into force on the day it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Investment Contracts Amendment Act, 1950*.

BILL

An Act to amend The Investment
Contracts Act, 1948.

1st Reading

March 21st, 1950

2nd Reading

March 24th, 1950

3rd Reading

March 31st, 1950

MR. PORTER

No. 124

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Continuation Schools Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The new subsections 15 and 16 added to section 3 of *The Continuation Schools Act* provide an alternative to subsection 14 for the composition of the continuation school board where some but not all of the school sections by which the school was established are absorbed into a township school area and one of those not absorbed is the section in which the school is situated.

The new subsections 17 and 18 provide that the distribution of costs of maintenance of the school will vary according to whether the board is constituted under subsection 14 or 15.

BILL

An Act to amend The Continuation Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Continuation Schools Act*, as re-enacted by section 3 of *The Continuation Schools Amendment Act, 1947* and amended by section 2 of *The Continuation Schools Amendment Act, 1949*, is further amended by adding thereto the following subsections:

Rev. Stat.,
c. 359, s. 3.
(1947, c. 17,
s. 3).
amended.

(15) Notwithstanding subsection 14, where the school section in which the continuation school was established by agreement under subsection 4 is not absorbed in the township school area, the township council may, subject to the approval of the Minister, provide that the continuation school board shall be composed of,—

Where
section
in which
school
established
not ab-
sorbed.

- (a) one trustee to be elected annually by the rate-payers of each of the former school sections which are parties to the agreement and are absorbed in the township school area, in the manner provided in *The Public Schools Act* for the election of rural school trustees, and the cost of such elections shall be borne by the continuation school board;

Rev. Stat.,
c. 357.

- (b) two trustees to be appointed annually from among its members by the board of the school section which is a party to the agreement and in which the continuation school is situated;
- (c) one trustee to be appointed annually from among its members by the board of each other school section which is a party to the agreement and is not absorbed in the township school area; and

- (d) one trustee to be appointed annually from among its members by each separate school board, if any, which is a party to the agreement.

Elections
under
subs. 15,
cl a.

- (16) Where the township council decides that the board shall be composed as provided in subsection 15,—

- (a) it shall notify the secretary of the continuation school board who shall call meetings of the ratepayers of each of the former school sections absorbed in the township school area which are parties to the agreement, for the purpose of electing a trustee from each such former section who shall hold office for one year; and
- (b) upon a trustee being elected under clause a, the chairman of the meeting at which such trustee was elected shall notify the secretary of the continuation school board of the name of such trustee.

Mainten-
ance, where
board con-
stituted
under
subs. 14;

- (17) Where the continuation school board is constituted as provided in subsection 14, the cost of maintaining the continuation school shall be provided by a rate levied,—

- (a) on the property liable to assessment for public school purposes in the township school area;
- (b) on the property liable to assessment for public school purposes in any school section which is a party to the agreement and is not absorbed in the township school area; and
- (c) on the property, if any, liable to assessment for separate school purposes under the terms of the agreement.

where board
constituted
under
subs. 15.

- (18) Where the continuation school board is constituted as provided in subsection 15, the cost of maintaining the continuation school shall be provided by a rate levied,—

- (a) on the property liable to assessment for public school purposes in any school section which is a party to the agreement and is not absorbed in the township school area;
- (b) on the property liable to assessment for public

SECTION 2. The repealed section 6 provided for agreements for support of continuation schools by adjoining municipalities and is no longer applicable or necessary in view of recent changes in the definitions of county and resident pupils.

SECTION 3. This amendment ensures that, where the boundaries of a high school district and of a continuation school district overlap, the residents of the part of the latter district included in the former district will not be assessed twice for secondary school education.

SECTION 4. The repealed section 7a provided for cases where a pupil was both a county and a resident pupil, and such cases no longer exist under the present definitions.

school purposes in the former school sections which are parties to the agreement and are absorbed in the township school area; and

- (c) on the property, if any, liable to assessment for separate school purposes under the terms of the agreement.

2. Section 6 of *The Continuation Schools Act*, as amended by section 5 of *The School Law Amendment Act, 1938*, is repealed. Rev. Stat., c. 359, s. 6, repealed.

3. Section 7 of *The Continuation Schools Act*, as amended by section 6 of *The School Law Amendment Act, 1938*, is further amended by adding thereto the following subsection: Rev. Stat., c. 359, s. 7, amended.

- (3) Where a high school district established under *The High Schools Act* includes within its limits any property within a continuation school district, such property shall not be assessed for the purposes of the continuation school. Overlapping high and continuation school district boundaries. Rev. Stat., c. 360.

4. Section 7a of *The Continuation Schools Act*, as enacted by section 4 of *The School Law Amendment Act, 1939*, is repealed. Rev. Stat., c. 359, s. 7a, (1939, c. 44, s. 4), repealed.

5. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act

6. This Act may be cited as *The Continuation Schools Amendment Act, 1950*. Short title.

BILL

An Act to amend The Continuation
Schools Act.

1st Reading

March 21st, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 124

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Continuation Schools Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Continuation Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Continuation Schools Act*, as re-enacted by section 3 of *The Continuation Schools Amendment Act, 1947* and amended by section 2 of *The Continuation Schools Amendment Act, 1949*, is further amended by adding thereto the following subsections:

(15) Notwithstanding subsection 14, where the school section in which the continuation school was established by agreement under subsection 4 is not absorbed in the township school area, the township council may, subject to the approval of the Minister, provide that the continuation school board shall be composed of,—

- (a) one trustee to be elected annually by the rate-payers of each of the former school sections which are parties to the agreement and are absorbed in the township school area, in the manner provided in *The Public Schools Act* for the election of rural school trustees, and the cost of such elections shall be borne by the continuation school board;
- (b) two trustees to be appointed annually from among its members by the board of the school section which is a party to the agreement and in which the continuation school is situated;
- (c) one trustee to be appointed annually from among its members by the board of each other school section which is a party to the agreement and is not absorbed in the township school area; and

- (d) one trustee to be appointed annually from among its members by each separate school board, if any, which is a party to the agreement.

Elections
under
subs. 15,
cl. a.

- (16) Where the township council decides that the board shall be composed as provided in subsection 15,—

- (a) it shall notify the secretary of the continuation school board who shall call meetings of the ratepayers of each of the former school sections absorbed in the township school area which are parties to the agreement, for the purpose of electing a trustee from each such former section who shall hold office for one year; and
- (b) upon a trustee being elected under clause a, the chairman of the meeting at which such trustee was elected shall notify the secretary of the continuation school board of the name of such trustee.

Maintenance,
where
board
constituted
under
subs. 14;

- (17) Where the continuation school board is constituted as provided in subsection 14, the cost of maintaining the continuation school shall be provided by a rate levied,—

- (a) on the property liable to assessment for public school purposes in the township school area;
- (b) on the property liable to assessment for public school purposes in any school section which is a party to the agreement and is not absorbed in the township school area; and
- (c) on the property, if any, liable to assessment for separate school purposes under the terms of the agreement.

where board
constituted
under
subs. 15.

- (18) Where the continuation school board is constituted as provided in subsection 15, the cost of maintaining the continuation school shall be provided by a rate levied,—

- (a) on the property liable to assessment for public school purposes in any school section which is a party to the agreement and is not absorbed in the township school area;
- (b) on the property liable to assessment for public

school purposes in the former school sections which are parties to the agreement and are absorbed in the township school area; and

- (c) on the property, if any, liable to assessment for separate school purposes under the terms of the agreement.

2. Section 6 of *The Continuation Schools Act*, as amended Rev. Stat., c. 359, s. 6, by section 5 of *The School Law Amendment Act, 1938*, is re-pealed. repealed.

3. Section 7 of *The Continuation Schools Act*, as amended Rev. Stat., c. 359, s. 7, by section 6 of *The School Law Amendment Act, 1938*, is amended. amended. further amended by adding thereto the following subsection:

- (3) Where a high school district established under *The Overlapping High Schools Act* includes within its limits any pro-continuation continuation school district property within a continuation school district, such pro-district district property shall not be assessed for the purposes of the boundaries. continuation school. Rev. Stat., c. 360.

4. Section 7a of *The Continuation Schools Act*, as enacted Rev. Stat., c. 359, s. 7a, by section 4 of *The School Law Amendment Act, 1939*, is re-(1939, c. 44, s. 4), pealed. repealed.

5. This Act shall come into force on the day it receives Commence-ment of Act the Royal Assent.

6. This Act may be cited as *The Continuation Schools Short title. Amendment Act, 1950.*

BILL

An Act to amend The Continuation
Schools Act.

1st Reading

March 21st, 1950

2nd Reading

March 24th, 1950

3rd Reading

March 31st, 1950

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Registry Act.

MR. PORTER

EXPLANATORY NOTES

SECTION 1. Under the present subsection 17, the only case mentioned where the Crown may contribute is where the land proposed to be subdivided by judge's plan comprises 5,000 acres or more granted originally by the Crown without being subdivided into lots. This restriction is not contained in the subsection as re-enacted.

SECTION 2. At present there is authority under section 23 of *The Planning Act, 1946* for municipalities to pass by-laws prohibiting such sales as are referred to, but it is difficult to enforce the by-law when there is no prohibition against registering the deeds. This amendment will allow *The Registry Act* and *The Planning Act* to work together and will also allow the Inspector to take independent action to stop unplanned building schemes where there is no municipal by-law under *The Planning Act*.

BILL

An Act to amend The Registry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 17 of section 91 of *The Registry Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 170, s. 91,
subs. 17,
re-enacted.

(17) Where land is proposed to be subdivided by plan under subsection 13, the Inspector may cause the Attorney-General to be notified of the application, and the Attorney-General, on behalf of the Crown, may either submit that the Crown shall pay or contribute such part of the costs and expenses mentioned in subsection 14 as the judge may determine to be reasonable, or the Attorney-General may consent, on behalf of the Crown, that the Crown shall pay and contribute a definite part of such costs and expenses, and in either of such cases the judge may direct by what person or municipality the remainder of such costs and expenses shall be borne, and any such order may be entered and filed and may be enforced as against such person or municipality in the same manner as the order provided for in subsection 14.

Contribu-
tion by
Crown to
cost of plan
under
subs. 13.

2. *The Registry Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 170,
amended.

92a.—(1) The Inspector may by direction designate an area as a subdivision plan area and thereafter no instrument by way of a deed on a sale of land in the area shall be registered,—

Designation
of sub-
division
plan areas.

(a) unless the land is described in accordance with and is within a registered plan of subdivision, but the Inspector may in his direction designate land which although within a registered plan of subdivision shall be deemed not to be

within a registered plan of subdivision for the purposes of this subsection; or

(b) unless the land conveyed is more than ten acres in area; or

(c) unless the land conveyed is the whole part remaining to the person of one parcel described in a registered conveyance to him.

Registration
of direction.

(2) The direction shall be registered against the abstract indexes of all the land affected thereby.

Alteration
and with-
drawal of
direction.

(3) A direction under this section, although registered, may be altered or withdrawn by direction of the Inspector and such direction shall be registered against the abstract indexes of the lands affected thereby.

Rev. Stat.,
c. 170,
s. 95, cl. b,
amended.

3. Clause *b* of section 95 of *The Registry Act*, as amended by subsection 2 of section 3 of *The Registry Amendment Act, 1947*, is further amended by striking out the symbol and figures "\$2.50" in the amendment of 1947 and inserting in lieu thereof the symbol and figure "\$3" and by striking out the symbol and figure "\$2" where they occur in the sixteenth and eighteenth lines respectively and inserting in lieu thereof the symbol and figure "\$3", so that the clause shall read as follows:

Fees for
registering
and copying.

(b) For registering every such instrument, \$3;

If the instrument exceeds 700 words, at the rate of 15 cents for each additional 100 words or fractional part thereof up to 1,400 words, and at the rate of 10 cents for each additional 100 words or fractional part thereof over 1,400 words;

If the instrument embraces lots or parcels of land, situate in different municipalities in the same registry division, the registration and copying of such instrument, together with all necessary entries and certificates in connection therewith, shall be considered separate and distinct registrations for each municipality in which the land is situate, and shall be paid for as follows:

Where the aggregate copying does not exceed 700 words, \$3; where it exceeds 700 words, 15 cents for every 100 words or fractional part thereof up to 1,400 words, in addition to the sum of \$3;

SECTION 3. These amendments raise the basic registration fee for an instrument from \$2.50 to \$3.

SECTION 4. The basic amount which a registrar who is paid on fees may retain from the net income of his office is raised from \$3,500 to \$4,000.

Where it exceeds 1,400 words, the sum of 10 cents for every 100 words or fractional part thereof in addition to the above charges; the fees shall include all certificates and necessary entries, but if the instrument embraces more than 4 different lots or parcels of land in the same municipality, the registrar shall be allowed a fee of 5 cents for entering each lot or parcel in excess of 4.

4.—(1) Subsections 1 and 2 of section 105 of *The Registry Act*, as amended by section 1 of *The Registry Amendment Act, 1949*, are repealed and the following substituted therefor: Rev. Stat., c. 170, s. 105, subss. 1, 2, re-enacted.

(1) Every registrar shall be entitled to retain to his own use in each year his net income up to \$4,000. Registrar's emoluments.

(2) Subject to section 109 of this Act and to section 152 of *The Land Titles Act*, every registrar shall, of the net income of each year over \$4,000, pay to the treasurer of the county or city for which or for part of which he is registrar, the following percentages: Where net income exceeds \$4,000. Rev. Stat., c. 174.

(a) on the excess over \$4,000 up to \$6,000, 50 per centum;

(b) on the excess over \$6,000, 90 per centum.

(2) This section shall be deemed to have come into force on the 1st day of January, 1950. Effective date.

5. This Act may be cited as *The Registry Amendment Act, 1950*. Short title.

BILL

An Act to amend The Registry Act.

1st Reading

March 21st, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 125

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Registry Act.

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
·PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Registry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 17 of section 91 of *The Registry Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 170, s. 91,
subs. 17,
re-enacted.

(17) Where land is proposed to be subdivided by plan under subsection 13, the Inspector may cause the Attorney-General to be notified of the application, and the Attorney-General, on behalf of the Crown, may either submit that the Crown shall pay or contribute such part of the costs and expenses mentioned in subsection 14 as the judge may determine to be reasonable, or the Attorney-General may consent, on behalf of the Crown, that the Crown shall pay and contribute a definite part of such costs and expenses, and in either of such cases the judge may direct by what person or municipality the remainder of such costs and expenses shall be borne, and any such order may be entered and filed and may be enforced as against such person or municipality in the same manner as the order provided for in subsection 14.

Contribution by
Crown to
cost of plan
under
subs. 13.

2. *The Registry Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 170,
amended.

92a.—(1) The Inspector may by direction designate an area as a subdivision plan area and thereafter no instrument by way of a deed on a sale of land in the area shall be registered,—

Designation
of sub-
division
plan areas.

(a) unless the land is described in accordance with and is within a registered plan of subdivision, but the Inspector may in his direction designate land which although within a registered plan of subdivision shall be deemed not to be

within a registered plan of subdivision for the purposes of this subsection; or

(b) unless the land conveyed is more than ten acres in area; or

(c) unless the land conveyed is the whole part remaining to the person of one parcel described in a registered conveyance to him.

Registration
of direction.

(2) The direction shall be registered against the abstract indexes of all the land affected thereby.

Alteration
and with-
drawal of
direction.

(3) A direction under this section, although registered, may be altered or withdrawn by direction of the Inspector and such direction shall be registered against the abstract indexes of the lands affected thereby.

Rev. Stat.,
c. 170,
s. 95, cl. b,
amended.

3. Clause *b* of section 95 of *The Registry Act*, as amended by subsection 2 of section 3 of *The Registry Amendment Act, 1947*, is further amended by striking out the symbol and figures "\$2.50" in the amendment of 1947 and inserting in lieu thereof the symbol and figure "\$3" and by striking out the symbol and figure "\$2" where they occur in the sixteenth and eighteenth lines respectively and inserting in lieu thereof the symbol and figure "\$3", so that the clause shall read as follows:

Fees for
registering
and copying.

(b) For registering every such instrument, \$3;

If the instrument exceeds 700 words, at the rate of 15 cents for each additional 100 words or fractional part thereof up to 1,400 words, and at the rate of 10 cents for each additional 100 words or fractional part thereof over 1,400 words;

If the instrument embraces lots or parcels of land, situate in different municipalities in the same registry division, the registration and copying of such instrument, together with all necessary entries and certificates in connection therewith, shall be considered separate and distinct registrations for each municipality in which the land is situate, and shall be paid for as follows:

Where the aggregate copying does not exceed 700 words, \$3; where it exceeds 700 words, 15 cents for every 100 words or fractional part thereof up to 1,400 words, in addition to the sum of \$3;

Where it exceeds 1,400 words, the sum of 10 cents for every 100 words or fractional part thereof in addition to the above charges; the fees shall include all certificates and necessary entries, but if the instrument embraces more than 4 different lots or parcels of land in the same municipality, the registrar shall be allowed a fee of 5 cents for entering each lot or parcel in excess of 4.

4.—(1) Subsections 1 and 2 of section 105 of *The Registry Act*, as amended by section 1 of *The Registry Amendment Act, 1949*, are repealed and the following substituted therefor: Rev. Stat., c. 170, s. 105, subss. 1, 2, re-enacted.

(1) Every registrar shall be entitled to retain to his own use in each year his net income up to \$4,000. Registrar's emoluments.

(2) Subject to section 109 of this Act and to section 152 of *The Land Titles Act*, every registrar shall, of the net income of each year over \$4,000, pay to the treasurer of the county or city for which or for part of which he is registrar, the following percentages: Where net income exceeds \$4,000. Rev. Stat., c. 174.

(a) on the excess over \$4,000 up to \$6,000, 50 per centum;

(b) on the excess over \$6,000, 90 per centum.

(2) This section shall be deemed to have come into force on the 1st day of January, 1950. Effective date.

5. This Act may be cited as *The Registry Amendment Act, 1950*. Short title.

BILL

An Act to amend The Registry Act.

1st Reading

March 21st, 1950

2nd Reading

March 24th, 1950

3rd Reading

March 31st, 1950

MR. PORTER

No. 126

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Legitimation Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The present section 5 provides that where a person marries presuming that the former spouse is dead and where the spouse presumed to be dead is later found to be alive, the children of such marriage in the case of the intestacy of the father or mother, inherit the estate equally with lawful children. The section as re-enacted also includes children of a marriage entered into after an order of presumption of death of a former spouse has been obtained from a judge pursuant to section 11 of *The Marriage Act, 1950*, and provides that the children of all such marriages shall be the legitimate children of the persons entering into such marriages, for all purposes.

BILL

An Act to amend The Legitimation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Legitimation Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 216, s. 5,
re-enacted.

5. Where,—

(a) a marriage has taken place in the *bona fide* belief of the death of a former spouse and under such circumstances that the crime of bigamy has not been committed; or

Children of
re-marriage
while
former
spouse
living.

(b) pursuant to section 11 of *The Marriage Act, 1950* a judge has made an order or presumption of death and the spouse of the person who has been presumed to be dead again marries,

if the person who is believed to be dead or in respect of whom an order of presumption of death has been made, as the case may be, was alive when such marriage was solemnized, unless the marriage is otherwise invalid, the issue conceived before knowledge of the fact that the former spouse is living,

(c) shall for all purposes be deemed to be and to have been the legitimate children of the persons entering into such marriage from the time of birth; and

(d) shall have the same rights, benefits and obligations under any law or statute in force in Ontario as they would have had if the person believed to be dead or in respect of whom the order of presumption of death was made, had in fact died before such marriage was solemnized.

**Commence-
ment of Act.** **2.** This Act shall come into force on a day to be named by
the Lieutenant-Governor by his Proclamation.

Short title. **3.** This Act may be cited as *The Legitimation Amendment
Act, 1950.*

BILL

An Act to amend The Legitimation Act.

1st Reading

March 21st, 1950

2nd Reading

3rd Reading

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Legitimation Act.

MR. PORTER

BILL

An Act to amend The Legitimation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Legitimation Act* is repealed and the following substituted therefor: Rev. Stat., c. 216, s. 5, re-enacted.

5. Where,—

(a) a marriage has taken place in the *bona fide* belief of the death of a former spouse and under such circumstances that the crime of bigamy has not been committed; or

Children of re-marriage while former spouse living.

(b) pursuant to section 11 of *The Marriage Act, 1950* a judge has made an order of presumption of death and the spouse of the person who has been presumed to be dead again marries,

if the person who is believed to be dead or in respect of whom an order of presumption of death has been made, as the case may be, was alive when such marriage was solemnized, unless the marriage is otherwise invalid, the issue conceived before knowledge of the fact that the former spouse is living,

(c) shall for all purposes be deemed to be and to have been the legitimate children of the persons entering into such marriage from the time of birth; and

(d) shall have the same rights, benefits and obligations under any law or statute in force in Ontario as they would have had if the person believed to be dead or in respect of whom the order of presumption of death was made, had in fact died before such marriage was solemnized.

**Commence-
ment of Act.** **2.** This Act shall come into force on a day to be named by
the Lieutenant-Governor by his Proclamation.

Short title. **3.** This Act may be cited as *The Legitimation Amendment
Act, 1950*.

BILL

An Act to amend The Legitimation Act.

1st Reading

March 21st, 1950

2nd Reading

March 23rd, 1950

3rd Reading

March 29th, 1950

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

**An Act to authorize the Raising of Money on the Credit of the
Consolidated Revenue Fund.**

MR. FROST

BILL

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any such indebtedness or obligation, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and the amount of any temporary loans raised under this Act, including any securities issued for the retirement of such securities or temporary loans, at any time outstanding, shall not exceed in the whole \$100,000,000.

Loans up to \$100,000,000 authorized.

2. Any such sum or sums of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund, and shall be chargeable thereupon.

Term and rate to be fixed by Lieutenant-Governor in Council.

3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to any issue of securities authorized under this Act, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of section 3 of *The Provincial Loans Act*.

Sinking fund.
Rev. Stat., c. 22.

4. This Act shall come into force on the day it receives the Royal Assent.

Commencement of Act.

5. This Act may be cited as *The Ontario Loan Act, 1950*.

Short title.

BILL

An Act to authorize the Raising of Money
on the Credit of the Consolidated
Revenue Fund.

1st Reading

March 22nd, 1950

2nd Reading

3rd Reading

MR. FROST

No. 127

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

**An Act to authorize the Raising of Money on the Credit of the
Consolidated Revenue Fund.**

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council is hereby authorized ^{Loans up to \$100,000,-000 authorized.} to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any such indebtedness or obligation, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and the amount of any temporary loans raised under this Act, including any securities issued for the retirement of such securities or temporary loans, at any time outstanding, shall not exceed in the whole \$100,000,000.

2. Any such sum or sums of money may be borrowed for any term or terms not exceeding forty years, at such rate ^{Term and rate to be fixed by Lieutenant-Governor in Council.} as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund, and shall be chargeable thereupon.

3. The Lieutenant-Governor in Council may provide for a ^{Sinking fund.} special sinking fund with respect to any issue of securities authorized under this Act, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of section 3 of *The Provincial Loans Act*. ^{Rev. Stat., c. 22.}

4. This Act shall come into force on the day it receives ^{Commencement of Act.} the Royal Assent.

5. This Act may be cited as *The Ontario Loan Act, 1950*. ^{Short title.}

BILL

An Act to authorize the Raising of Money
on the Credit of the Consolidated
Revenue Fund.

1st Reading

March 22nd, 1950

2nd Reading

March 24th, 1950

3rd Reading

March 29th, 1950

MR. FROST

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

The Division Courts Act, 1950.

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

Early in the fall of 1949 a committee was appointed informally by the Attorney General to study and revise the Division Court rules and tariffs, the rules and forms being substantially unchanged since 1914. The committee comprises persons who because of their work and experience have special knowledge of Division Court practice and procedure, as well as counsel from the Attorney-General's Department. The members are:

His Honour Judge J. H. McDonald, Sault Ste. Marie, Chairman;
His Honour Judge D. J. Cowan, Brantford;
His Honour Judge F. J. G. McDonagh, Toronto;
His Honour Judge A. G. McDougall, Ottawa;
R. B. Smith, Clerk of the 8th Division Court at Oshawa;
C. H. Evans, Clerk of the 9th Division Court at Geco;
I. E. Houser, of Messrs. Harries, Houser and Jones; and
E. H. Silk, K.C., Senior Solicitor and Counsel, Attorney-General's Department.

After some investigation and study the committee concluded that in the interests of the improved functioning of the division courts certain amendments to the Act, as well as the rules, forms and tariffs, were needed. Accordingly, the committee has spent a very substantial portion of the time of its meetings in a study of the Act and amendments thereto which it considers are indicated with a view to the public being better served.

The principal amendments recommended by the committee and included in this Bill are,

- (a) a revision, shortening and simplification of that part of the Act relating to garnishee proceedings;
- (b) provision for the making of consolidation orders with a view to assisting both a judgment debtor who has several Division Court judgments against him, and his creditors; and
- (c) revision of the provisions of the Act relating to examinations of judgment debtors so as to regularize and standardize practice as well as rendering the provisions more effective having regard to their manifest purpose.

While the amendments required to give effect to those proposals may be confined for the most part to a comparatively few sections forming, in each case, a group, numerous complementary amendments are involved in an Act as lengthy as *The Division Courts Act*. Accordingly, a consolidating rather than an amending Bill has been prepared. In the preparation of the Bill a general overhauling of the present Act has been undertaken with a view to a more logical and simpler arrangement and overall improvement. The "incidental amendments" thereby effected include the following:

- (a) subheadings have been eliminated and main headings reduced to a minimum, so as to effect a more comprehensive and more logical grouping and arrangement both as to the groups of sections and the sections within the groups;
- (b) obsolete and unused provisions have been dropped from the Act;
- (c) awkward and ambiguous wording has been clarified;
- (d) existing practices not specifically covered by the Act or the rules have been provided for, thereby assuring regularity and uniformity;
- (e) a number of time limits prescribed by the present Act, originating in the horse and buggy age and varying greatly have been standardized at ten days, other limitations being brought into line therewith;
- (f) the powers of the Lieutenant-Governor in Council have been grouped into one section;
- (g) the few forms appearing at the end of the Act have been dropped so that all forms will appear together as an appendix to the rules; and
- (h) generally a more compact Act with an improved arrangement of its contents has resulted.

The following key indicates the headings appearing in the new Act and the sections of the present Act which correspond to those of the proposed Act. For a more detailed comparison see the individual explanatory notes which follow the key.

Section of New Act		Section of Old Act	Section of New Act		Section of Old Act
INTERPRETATION			JURISDICTION AS TO CAUSES OF ACTION AND QUANTUM		
1	1			
2	2	53	53
PART I			54	54
APPLICABLE TO COUNTIES AND DISTRICTS			55	55
COURTS			56	56
3	3	57	57
4 (1)	5	58	58
(2)	14 (2)	59	59 (1)
5	6	60	60
6	7	61	61
7	10	62	62
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SECTION 1. The definitions of "debt or money demand summons" and "rules" are new. The term "debt or money demand summons" replaces the term "special summons". There has been much misunderstanding of the term "special summons" and the new term is more accurate.

No. 128

1950

BILL

The Division Courts Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation.

- (a) "action" includes a proceeding, suit, matter and cause;
- (b) "county" includes a provisional county and provisional judicial district;
- (c) "county court" includes district court;
- (d) "defendant" includes primary debtor; R.S.O. 1937, c. 107, s. 1 (1), cls. (a-d).
- (e) "debt or money demand summons" means a summons instituting an action for the recovery of a debt or money demand; *New*.
- (f) "division" means the territory in and for which a division court is established;
- (g) "Inspector" means Inspector of Legal Offices;
- (h) "judge" means judge or junior judge of the county court of the county in which the division for which a division court is constituted is situate;
- (i) "judgment creditor" includes a creditor who has obtained judgment against a garnishee;
- (j) "judgment debtor" includes a garnishee against whom judgment has been recovered;
- (k) "plaintiff" includes primary creditor;

(l) "prescribed form" means the form prescribed in the rules; R.S.O. 1937, c. 107, s. 1 (1), cls. (e-k), *amended*.

(m) "rules" means rules and regulations made under this Act. *New*.

Exclusive
powers of
county
judge.

(2) Where in this Act, any power or authority is conferred or any duty is imposed upon the judge of the county court it shall be exercised or performed by him and not by a junior judge. R.S.O. 1937, c. 107, s. 1 (2).

Territorial
application
of Part I;

2.—(1) Part I, except where otherwise therein provided, shall apply to every county and provisional judicial district in Ontario.

Part II.

(2) Part II shall be applicable only to provisional judicial districts. R.S.O. 1937, c. 107, s. 2.

PART I.

APPLICABLE TO COUNTIES AND DISTRICTS.

COURTS.

Courts
continued.

3. Subject to the provisions of this Act and the rules, the division courts existing at the time this Act takes effect shall continue. R.S.O. 1937, c. 107, s. 3, *amended*.

Designation
of court.

4.—(1) The court in each division shall be called "The First (or as the case may be) Division Court of the County of . ." R.S.O. 1937, c. 107, s. 5.

May include
adjacent
territory.

(2) The limits of a division court of any county may include territory in an adjacent county. 1941, c. 20, s. 2, *amended*.

Each court
to have
a seal.

5. Every court shall have a seal, with which all process shall be sealed or stamped, and which shall be paid for out of the Consolidated Revenue Fund. R.S.O. 1937, c. 107, s. 6.

To be courts
of record.

6. The court shall be a court of record. R.S.O. 1937, c. 107, s. 7.

Holding of
courts in
cities,
offices of
clerks
therein.

7. In any city in which two division courts are established, all or any of the sittings of both such courts may be held in either of such divisions, and the clerks of both courts may, with the approval of the Lieutenant-Governor in Council, keep their offices in the same division. R.S.O. 1937, c. 107, s. 10.

Accom-
modation.

8.—(1) The local municipality in which a division court is held shall provide a court room, not in or connected with an

SECTIONS 2 to 7 are similar to the provisions which they supersede. (Sections 4 and 11 of the present Act are dropped as unnecessary. Sections 8, 14 and 17 of the present Act are omitted as they are taken care of in the "rules section", section 208. Section 9 was repealed in 1941.)

SECTION 8 is similar to its predecessor except for,

- (a) the increase from \$5 to \$10 with a ceiling of \$20 in subsection 1;
and
- (b) the removal of the final subsection of the present section 12 to its logical location (see section 31 (2) post).

SECTIONS 9, 10 and 11. No change from their present counterparts.

SECTION 12. Subsections 2 and 3 of the present section (section 18) are dropped as serving no real purpose and subsection 1 is shortened, the words omitted being rendered unnecessary by the definition of "judge" in section 1.

SECTION 13. The only change is the substitution of "two months" for "one month" in subsection 3.

hotel, and other necessary accommodation for holding the court. R.S.O. 1937, c. 107, s. 12 (1).

(2) If a proper court room and other necessary accommodation are not furnished by the municipality the judge may hold the court in any suitable place in the division or in any other division of the county in which suitable accommodation is provided and the owner, lessee or tenant of the building in which the court is held shall be entitled to receive from the municipality whose duty it was to provide proper accommodation for the court the sum of \$10 or such larger amount not exceeding \$20 as the Inspector may approve for every day on which the court is held in the building. Where no proper court room, etc.

(3) Where a municipality, not being a city or town, furnishes a court room and other necessary accommodation, or pays for the use of any building, the municipality shall be entitled to recover from any other municipality the whole or part of which is within the division for which the court is held such reasonable share of the cost as shall be ordered by the judge of the court to be paid and contributed by the last-mentioned municipality. R.S.O. 1937, c. 107, s. 12 (2, 3), *amended*. Judge to apportion cost of court room.

9. The sittings of the court in a county town may be held in the court house. R.S.O. 1937, c. 107, s. 13. Use of court house.

10. Actions and judgments in any court, the number or limits of which are changed, shall continue to be actions and judgments therein, but the judge may transfer any such action or judgment to any other court, and when so transferred it shall be an action or judgment of such other court. R.S.O. 1937, c. 107, s. 15. Change in number or limits of court.

11. The clerk of the peace, in a book to be kept by him, shall record the divisions declared and appointed, and the times and places of holding the courts, and the alterations made therein, and he shall transmit to the Inspector a copy of the record. R.S.O. 1937, c. 107, s. 16. Clerks of the peace to record time and place for holding courts.

JUDGES.

12. The court shall be presided over by a judge. R.S.O. 1937, c. 107, s. 18 (1), *amended*. Who to preside.

13.—(1) The judge may appoint a barrister to act as his deputy, and the barrister so appointed shall have all the powers and privileges vested in and be subject to all the duties imposed by law upon the judge. Who to preside in case of illness or absence of judge.

Provincial
Secretary
to be
notified of
appoint-
ment.

(2) The judge shall forthwith send to the Provincial Secretary notice of the appointment, specifying the name and residence of the barrister so appointed and the cause of his appointment. R.S.O. 1937, c. 107, s. 19 (1, 2).

Duration.

(3) No such appointment shall be continued for more than two months, and in case the Lieutenant-Governor in Council disapproves of the appointment, he may annul the same. R.S.O. 1937, c. 107, s. 19 (3), *amended*.

Adjournment
of court if
judge does
not arrive
in time.

14. If the judge does not open court on the day appointed for that purpose, the clerk shall, after four o'clock in the afternoon, adjourn the court to an hour on the following day, to be named by him, and so from day to day, adjourning over any Sunday or holiday, until the judge arrives to open court, or until other directions are received from him. R.S.O. 1937, c. 107, s. 20.

Judge to
supervise.

15.—(1) It shall be the duty of the judge to see that the officers of his courts perform their duties, and to examine into complaints against them.

Suspensions.

(2) The judge may for any cause suspend a clerk or bailiff, and in case of suspension shall forthwith report it and the cause thereof to the Inspector, and if a vacancy occurs in the office of clerk or bailiff, the judge shall forthwith notify the Inspector. R.S.O. 1937, c. 107, s. 23.

Action by
or against
judge.

16. An action by or against a judge may be brought in any court of a county adjoining that in which he resides. R.S.O. 1937, c. 107, s. 73.

Power to
amend pro-
ceedings.

17. The judge may at any time, and on such terms as to costs and otherwise as to him may seem just, amend any defect or error in any proceeding, and all such amendments may be made as may be necessary for the advancement of justice, determining the real question raised by or depending on the proceedings and best calculated to secure the giving of judgment according to the very right and justice of the case. R.S.O. 1937, c. 107, s. 96.

CLERKS AND BAILIFFS.

Every court
to have
clerk and
bailiff.

18. For every court there shall be a clerk and a bailiff or bailiffs, who shall be appointed by the Lieutenant-Governor and shall hold office during pleasure. R.S.O. 1937, c. 107, s. 21, *amended*.

Clerk to
issue
summonses
and furnish
copies, etc.

19. The clerk shall issue all summonses and shall make copies thereof with the notices thereon, according to the prescribed form, and, except as otherwise provided by this

SECTIONS 14 to 27; 29 to 36. There is no change in the effect of these provisions from the corresponding sections of the present Act.

Act, shall deliver the same to the bailiff for service. R.S.O. 1937, c. 107, s. 28.

20. The clerk shall cause a note of all summonses, notices, orders, judgments, warrants, executions and returns thereto, to be entered in a book to be kept in his office, and shall sign his name on every page of the book, and the signed entries, or a copy thereof certified as a true copy by the clerk, shall be sufficient evidence of such entries and of the proceedings referred to therein, without further proof. R.S.O. 1937, c. 107, s. 29.

21.—(1) A procedure book and a foreign procedure book shall be kept by the clerk. R.S.O. 1937, c. 107, s. 30 (1).

(2) The costs of all books and forms required by this Act to be kept by the clerk and bailiff and of necessary stationery and stationery supplies shall be repaid to him by the treasurer of the county, upon the certificate of the Inspector. R.S.O. 1937, c. 107, s. 30 (2); 1942, c. 34, s. 12 (1).

22. The clerk, when required, shall forward the summons and copies for service to the clerk of any other court who shall receive and deliver them to the bailiff for service, and when returned shall send the summons to the clerk from whom it was received, and shall enter the proceedings in the foreign procedure book. R.S.O. 1937, c. 107, s. 31.

23. The clerk shall prepare an affidavit of service of every summons issued out of his court, or sent to him for service, stating how the same was served, the day of service and the distance the bailiff necessarily travelled to effect service, and the affidavit shall be annexed to or endorsed on the summons and shall be sworn to by the bailiff; but the judge may require the bailiff to be sworn in his presence, and to answer such questions as may be put to him touching any service or mileage. R.S.O. 1937, c. 107, s. 84.

24. The clerk shall issue all warrants and executions, and shall tax costs, subject to revision by the judge, and shall keep an account of all fines payable or paid into court, and of all suitors money paid into and out of court, and shall enter an account of all such fines and money in a book to be kept by him for that purpose, which shall be open to all persons desirous of searching the same, and shall at all times be accessible to the judge and the Inspector. R.S.O. 1937, c. 107, s. 32.

25. The money arising from any penalty, forfeiture or fine imposed by or under this Act, not directed to be otherwise applied, shall be paid to the clerk and shall be paid by him to the clerk of the peace, to be paid over to the Treasurer of Ontario. R.S.O. 1937, c. 107, s. 33.

Clerks to deliver to clerk of peace a verified account of fines.

26. The clerk shall, at least once in every three months and oftener if required by the clerk of the peace, deliver to him a full account in writing verified by affidavit of all fines levied, accounting for and deducting the reasonable expenses of levying the same, and any allowance which the judge may make out of such fines in pursuance of the power hereinafter given. R.S.O. 1937, c. 107, s. 34.

And furnish judge with a verified account of moneys paid in and out of court.

27. The clerk, when required by the judge, shall furnish him with a full account in writing, verified by affidavit, of the money paid into or out of the court under orders, judgments or process of the court, and of the balance in court belonging to suitors or others. R.S.O. 1937, c. 107, s. 35.

Clerk to remit moneys.

28. The clerk shall promptly remit all moneys received by him in payment of a judgment to the person entitled thereto and shall in no case retain any such moneys for a period in excess of three months. R.S.O. 1937, c. 107, s. 36, *amended*.

Clerk annually to make list of suitors' money in court for six years.

29.—(1) The clerk shall annually, in the month of January, make out a correct statement of all sums of money belonging to suitors or others which have been paid into court and have remained unclaimed for six years before the last day of the month of December then last past, specifying the names of the persons for whom or on whose account the same were so paid.

Posting and distributing list.

(2) The clerk shall keep one copy of the statement posted up in his office and another copy in some conspicuous part of the court house or the place where the court is held, and copies shall also be sent to the Treasurer of Ontario and the Inspector.

Disposition of un-claimed moneys.

(3) All such sums shall form part of the Consolidated Revenue Fund, and shall be forthwith paid over by the clerk or officer holding them to the Treasurer of Ontario, and, except by leave of the Lieutenant-Governor in Council, no person shall be entitled to claim any such sum which has remained unclaimed for six years.

Claims of persons under disability.

(4) The time during which the person entitled to claim the money was an infant or of unsound mind, or out of Ontario, shall not be taken into account in computing the six years. R.S.O. 1937, c. 107, s. 37.

Bailiffs to serve process.

30. The bailiff shall promptly serve and execute all summonses, orders, warrants and executions delivered to him by the clerk, and shall so soon as served or executed return the same to the clerk, but subject to section 64 he shall not be required to travel beyond the limits of his division, or be allowed to charge mileage for any distance beyond the limits of the county in which is situated the division for the court of which he is bailiff. R.S.O. 1937, c. 107, s. 40.

SECTION 28. The proposed provision substitutes a reasonable safeguard for a requirement which, in practice, was unreasonable and seldom complied with.

31.—(1) Where the gross fees and emoluments earned by a clerk or bailiff are less than \$1,000 a year, the local municipality in which the division court is held shall pay to the clerk and bailiff respectively the sum of \$4 for attending each sitting of the court. R.S.O. 1937, c. 107, s. 41 (4); 1942, c. 34, s. 12 (2). Fees for sittings.

(2) Where in any division the clerk and bailiff are paid for attending court sittings by the local municipality in which the court is held under subsection 1, such local municipality shall be entitled to recover from any other municipality for which the court is held, such reasonable share of the amount so paid to the clerk and bailiff as shall be ordered by the judge. R.S.O. 1937, c. 107, s. 12 (4). Apportionment.

32.—(1) The fees upon every proceeding shall be paid in the first instance, and before it is taken, by the party on whose behalf the proceeding is taken. By whom fees to be paid in first instance.

(2) If the fees are not so paid, payment may, by summary order of the judge, be enforced by execution in like manner as a judgment of the court. R.S.O. 1937, c. 107, s. 43. How enforced.

33. At the time of the issue of any process or execution the bailiff's fees thereon shall be paid to the clerk and shall be paid over to the bailiff, upon the return of the execution, and not before; but if the bailiff does not become entitled to any part, or becomes entitled to a part only of such fees, the whole or the surplus, as the case may be, shall be repaid by the clerk to the person from whom the fees were received. R.S.O. 1937, c. 107, s. 44. Bailiff's fees to be paid to clerk when execution issues.

34. If the bailiff neglects to return any process or execution within the time required by law he shall for such neglect forfeit his fees thereon, and all fees so forfeited shall be held to have been received by the clerk, who shall keep a special account thereof, and account for and pay over the same to the clerk of the peace, to be paid to the Treasurer of Ontario, to form part of the Consolidated Revenue Fund. R.S.O. 1937, c. 107, s. 45. Bailiff to forfeit fees if he neglects to return process.

35. A clerk or bailiff shall not directly or indirectly take or receive any commission, charge, fee or reward for or in connection with the collection of any debt or claim which has been or may or can be sued in the court for which he is clerk or bailiff, except such fees as are provided by a tariff of fees under this Act. R.S.O. 1937, c. 107, s. 46. Clerk or bailiff not to accept extra fees.

36. Every clerk and bailiff shall, as often as required by the Inspector, produce at the clerk's office, for examination and inspection, all books and documents required to be kept by Books, etc. to be produced for inspection.

him, and shall report to the Inspector concerning such matters as the Inspector shall require. R.S.O. 1937, c. 107, s. 49.

Clerks' and
bailiffs'
returns to
Inspector.

37. Every clerk and bailiff shall keep a separate book in which he shall enter from day to day all fees, charges and emoluments received by him by virtue of his office, and shall on or before the 31st day of January, in every year, make a return under oath to the Inspector, showing the aggregate amount of fees, charges and emoluments which he became entitled to receive during the year which ended on the 31st day of December next preceding. R.S.O. 1937, c. 107, s. 52, *amended*.

Clerk to
make
returns to
Lieutenant-
Governor.

38. Every clerk shall, on or before the 31st day of January in each year, make a return, in such form and manner as the Lieutenant-Governor in Council shall prescribe, of the business of his office for the year which ended on the 31st day of December next preceding. R.S.O. 1937, c. 107, s. 51, *amended*.

Annual
return of
commitment
of judgment
debtors.

39. Every clerk, on or before the 31st day of January in every year, shall make to the Inspector a return showing the number of judgment debtors who, during the twelve months ending the 31st day of December next preceding, were ordered to be committed under each of the heads mentioned in section 132. R.S.O. 1937, c. 107, s. 191, *amended*.

Security
by clerks
and bailiffs.

Rev. Stat.,
c. 16.

40.—(1) Every clerk and bailiff shall furnish such security as may be required by the Lieutenant-Governor in Council for the due performance of the duties of his office, and, subject to the rules, the provisions of *The Public Officers Act* relating to the giving of security shall apply to such security.

Security
to enure
to benefit
of person
injured.

(2) The security shall enure to the benefit of any person suffering damages by the default, breach of duty or misconduct of the clerk or bailiff. R.S.O. 1937, c. 107, s. 25.

Entries of
clerk or
bailiff
evidence
against
surety.

41.—(1) In an action against a surety of a clerk or bailiff, the entries in the books kept by such clerk or bailiff shall be *prima facie* evidence against the surety.

Interpre-
tation of
"clerk or
bailiff".

(2) For the purpose of this section, the words "clerk or bailiff" include a person who has ceased to be a clerk or a bailiff, as the case may be. R.S.O. 1937, c. 107, s. 26.

Clerk not
to practise
as barrister,
etc.

42. A clerk shall not practise as a barrister or solicitor. R.S.O. 1937, c. 107, s. 22.

Actions by
and against
clerks and
bailiffs.

43.—(1) A clerk or bailiff shall not sue or be sued in the court of which he is clerk or bailiff.

SECTIONS 37, 38 and 39. The only change is substitution of "31st day of January" for "15th day of January" in line with the actual practice.

SECTIONS 40 to 48. There is no change from present provisions.

(2) A clerk or bailiff shall sue or be sued separately or ^{Idem.} jointly with another person in the court of any next adjoining division whether in the same or another county.

(3) Nothing in this section shall prevent proceedings from ^{Commenced before appointment.} being continued in the court in which the action was brought, where it was commenced before the appointment of such clerk or bailiff. R.S.O. 1937, c. 107, s. 72.

44. A clerk, bailiff or other officer of the court shall not, ^{Bailiff and other officers not to purchase goods seized.} directly or indirectly, purchase any property at any sale made by a bailiff under legal process, and every such purchase shall be absolutely void. R.S.O. 1937, c. 107, s. 178.

45. If a clerk, bailiff or other officer is guilty of extortion ^{Extortion.} he shall, upon proof thereof before the court, be forever disqualified to hold any office of profit or emolument in a division court, and shall also be liable in damages to the party aggrieved. R.S.O. 1937, c. 107, s. 213.

46.—(1) Upon a complaint in writing that a bailiff or officer, acting under colour or pretence of process of the court, is guilty of extortion or misconduct, or does not duly pay or account for all money levied or received by him by virtue of his office, the judge may, at a sittings of the court, inquire into the matter in a summary way, and for that purpose may summon and enforce the attendance of all necessary persons, and make such order thereupon for the repayment of any money extorted, or for the due payment of any money levied or received, and for the payment of such damages and costs to the person aggrieved, as he may think just. ^{Misconduct of court officers.}

(2) In default of payment of the money ordered to be ^{Enforcing order for payment by bailiff.} paid by the bailiff or officer within the time mentioned in the order for the payment thereof, the judge may, by warrant under his hand and seal, cause such sum to be levied by distress and sale of the goods of the offender, together with the reasonable charges of the distress and sale, and in default of such distress or summarily in the first instance, or where payment is not made forthwith, if so ordered, may commit the offender to the common jail of the county for a period not exceeding three months, unless the money and costs are sooner paid. R.S.O. 1937, c. 107, s. 212.

47. If a bailiff, by neglect, connivance or omission, loses ^{Bailiff neglecting duty in relation to execution.} the opportunity of levying an execution or taking property under an attachment, or unduly delays to levy or attach, the judge, upon complaint of the party aggrieved, and upon proof of the fact alleged, may order the bailiff to pay such damages as the party aggrieved appears to have sustained, not exceeding the sum for which the execution or attachment issued,

and upon demand being made therefor, and on his refusal to satisfy the same, payment may be enforced by such means as are provided for enforcing judgments. R.S.O. 1937, c. 107, s. 214.

Resignation,
removal or
death of
clerk.

48. All accounts, moneys, books, papers, documents and other things in the possession of a clerk or bailiff by virtue of or appertaining to his office, shall, upon his death, resignation or removal, immediately become the property of the clerk of the peace, who shall hold the same until the appointment of another clerk or bailiff, to whom he shall deliver over the same, when security has been furnished on behalf of such clerk or bailiff. R.S.O. 1937, c. 107, s. 38.

Leave of
absence.

49. Leave of absence for a period not exceeding two months may be granted by the Inspector to a clerk or bailiff. R.S.O. 1937, c. 107, s. 24 (1).

Clerk of
peace to
act as
clerk when
office of
clerk is
vacant.

50. Subject to section 51, upon the death, resignation, suspension or removal of the clerk, the clerk of the peace shall be the clerk until a successor is appointed or the suspension is removed, and the clerk of the peace shall be paid by the corporation of the county for his services in taking over the office the sum of \$5 together with actual disbursements. R.S.O. 1937, c. 107, s. 39.

Deputy
during
absence of
clerk or
bailiff.

51.—(1) With the approval of the Inspector, when prevented from acting because of absence or illness or any cause other than suspension the clerk or bailiff may appoint a deputy to act for him and the clerk or bailiff, as the case may be, shall be jointly and severally responsible for all the acts and omissions of the deputy so appointed. R.S.O. 1937, c. 107, s. 24 (2), *part, amended*.

Appointment
of clerk,
bailiff *pro*
tempore.

(2) With the approval of the Inspector, where there is no clerk or bailiff or the clerk or bailiff is under suspension the judge may appoint a clerk or bailiff, as the case may be, *pro tempore*. R.S.O. 1937, c. 107, s. 83 (1), *amended*.

Powers,
privileges,
duties.

(3) Where an appointment is made under subsection 1 or 2, the person so appointed shall, during the period of his appointment, have all the powers and privileges and be subject to the duties of the clerk or bailiff, as the case may be. R.S.O. 1937, c. 107, s. 24 (2), *part, amended*.

Clerk acting
as bailiff.

(4) Where there is no bailiff or the bailiff is for any reason unable to act, the clerk may act in his place. R.S.O. 1937, c. 107, s. 83 (2), *part, amended*.

Continua-
tion of
proceedings.

52.—(1) In the event of the death, resignation, suspension or removal of a bailiff, after action taken by him under an

SECTION 49. This is similar to subsection 1 of section 24 of the present Act. For the treatment of subsection 2 of the present section 24, see section 51 of this Bill.

SECTIONS 50 and 51. These provisions bring together and reconcile scattered provisions, at the same time expressing the purport of the section in general language which covers all situations comprehensively and with uniformity.

SECTIONS 52 and 53. There is no change from the present provisions.

SECTION 54. The only change is the revision of subsection 2 so as to shorten and clarify it.

execution or attachment, the proceedings may be continued by his successor.

(2) The benefit of all securities given to the bailiff shall enure to his successor in office. R.S.O. 1937, c. 107, s. 181. Securities given to the bailiff.

JURISDICTION AS TO CAUSES OF ACTION AND QUANTUM.

53. The court shall not have jurisdiction in,

Cases in which court has no jurisdiction.

- (a) an action for the recovery of land, or an action in which the right or title to any corporeal or incorporeal hereditaments, or any toll, custom or franchise comes in question;
- (b) an action in which the validity of any device, bequest or limitation under any will or settlement is disputed;
- (c) an action for malicious prosecution, libel, slander, criminal conversation, seduction or breach of promise of marriage;
- (d) an action against the justice of the peace for anything done by him in the execution of his office, if he objects thereto;
- (e) an action upon a judgment, or order of the Supreme Court or a county court where execution may issue, upon or in respect thereof. R.S.O. 1937, c. 107, s. 53.

54.—(1) Save as otherwise provided by this Act, the court shall have jurisdiction in,

Cases in which court has jurisdiction.

- (a) a personal action where the amount claimed does not exceed \$200;
- (b) a personal action if all the parties thereto consent in writing, and the amount claimed does not exceed \$400;
- (c) an action on a claim or demand of debt, account, or breach of contract, or covenant, or money demand, whether payable in money or otherwise, where the amount or balance claimed does not exceed \$200; provided that in the case of an unsettled account the whole account does not exceed \$1,000;
- (d) an action for the recovery of a debt or money demand, where the amount claimed, exclusive of interest, whether the interest is payable by contract

or as damages, does not exceed \$400 and the amount claimed is,

- (i) ascertained by the signature of the defendant or of the person whom as executor, or administrator he represents, or
- (ii) the balance of an amount not exceeding \$400 which amount is so ascertained, or
- (iii) the balance of an amount so ascertained which did not exceed \$800, and the plaintiff abandons the excess over \$400,

but an amount shall not be deemed to be so ascertained where it is necessary for the plaintiff to give other and extrinsic evidence beyond the production of a document and proof of the signature to it; and the jurisdiction conferred by this clause shall apply to claims and proceedings against an absconding debtor;

- (e) an action or contestation for the determination of the right of a creditor to rank upon an insolvent estate where the claim of the creditor does not exceed \$200. 1949, c. 29, s. 1, *part*.

Combining
causes of
action.

- (2) Claims combining causes of action may be joined in one action where,

- (a) the amount of the claim in respect of each cause of action does not exceed the limit prescribed by subsection 1 for such cause of action; and
- (b) the total amount of the combined claims does not exceed \$400. 1949, c. 29, s. 1, *part, amended*.

Separate
findings
on combined
claims.

- (3) The findings of the court upon claims so joined shall be separate.

Replevin.

- (4) Where the value of property distrained, taken or detained does not exceed \$200, and the title to the land is not brought into question, an action of replevin may be brought in the court for the division within which the defendant or one of the defendants resides or carries on business, or where the property was distrained, taken or detained and *The Replevin Act* shall *mutatis mutandis* apply to such action.

Rev. Stat.,
c. 99.

Actions
between
teachers
and school
boards.
Rev. Stat.,
cc. 360, 357
and 362.

- (5) The court shall also have jurisdiction in actions between teachers and school boards as provided by *The High Schools Act*, *The Public Schools Act* and *The Separate Schools Act*. 1949, c. 29, s. 1, *part*.

SECTIONS 55 to 58; 60 to 66. There is no change from the present provisions.

SECTION 59 is the same as subsection 1 of the present section 59. Subsection 2 is dropped because of the increased jurisdiction of division courts effected by the Act of 1949.

55. Except in actions in which a jury is demanded, as hereinafter provided, the judge shall hear and determine in a summary way all questions of law and fact and may make such order or judgment as appears to him just and agreeable to equity and good conscience, which shall be final and conclusive between the parties, except as herein otherwise provided. R.S.O. 1937, c. 107, s. 55. Summary hearings.

56. Upon a contract for the payment of a sum certain in labour or in any kind of goods or commodities or in any other manner than in money, the judge may give judgment for the amount in money as if the contract had been so expressed, if the goods and commodities have not been delivered or the labour or other thing performed in accordance with the contract. R.S.O. 1937, c. 107, s. 56. Judge may order payment in money, although contract not for payment in money.

57.—(1) The court in actions otherwise within its jurisdiction shall have power to grant relief, redress or remedy, or combination of remedies, either absolute or conditional, including the power to relieve against penalties and forfeitures, in as full and ample a manner as might be done in the like case by the Supreme Court. Powers of court.

(2) Nothing in this section shall confer jurisdiction to grant an injunction. R.S.O. 1937, c. 107, s. 57. No Injunctions.

58. A minor may sue for any sum not exceeding \$100 due to him for wages, or for work or services, as if he were of full age. R.S.O. 1937, c. 107, s. 58. Minors may sue for wages.

59. A cause of action shall not be divided into two or more actions for the purpose of bringing it within the jurisdiction of the court. R.S.O. 1937, c. 107, s. 59 (1). Causes of action not to be divided.

60. A judgment in an action brought for the balance of an account, or for a part of a claim, where the residue is abandoned to bring the claim within the jurisdiction of the court, shall be a full discharge of all demands in respect of the account for the balance of which such action was brought or for the whole claim, as the case may be. R.S.O. 1937, c. 107, s. 60. Judgment to be full discharge.

61.—(1) Where it appears at any stage of an action otherwise of the proper competence of the court that the court has not cognizance thereof on account of the title to land or any corporeal or incorporeal hereditament, or any toll, custom or franchise coming in question, or the validity of a devise, bequest or limitation under a will or settlement being disputed, or the amount involved is in excess of the jurisdiction of the court, the action shall not on that account be dismissed, but a judge of the Supreme Court, or the judge of the court in which the action is pending, may order the Transfer of actions to Supreme Court.

same to be transferred to the Supreme Court or to a county court where the county court would have jurisdiction, upon such terms as to the payment of costs or otherwise as he may think fit, and thereafter the action shall proceed in the Supreme Court or the county court as if originally commenced therein, and as if the defendant had entered an appearance; but the judge may give such directions as to procedure as may be deemed proper.

Appeal from order.

(2) Where the order is made by a judge of the division court, an appeal shall lie therefrom to a judge of the Supreme Court in chambers who may rescind the order or vary the terms thereof. R.S.O. 1937, c. 107, s. 61.

Action may be removed into Supreme Court cases.

62. If it appears to a judge of the Supreme Court that an action is a fit one to be tried in the Supreme Court, he may order that it be transferred to the Supreme Court upon such terms, as to payment of costs or otherwise, as he may think fit. R.S.O. 1937, c. 107, s. 62.

Counter-claim involving matters beyond jurisdiction.

63.—(1) When a counterclaim is disputed and involves matters beyond the jurisdiction of the division court, the judge may try the claim and may, if he sees fit, stay the issue of execution upon the judgment until the counterclaim has been disposed of upon such terms as to security and otherwise as he sees fit to impose.

Set-off of counter-claim when admitted.

(2) If the counterclaim or any part thereof is admitted the judge may direct the amount admitted to be set off *pro tanto* without prejudice to any proceedings to recover the balance. R.S.O. 1937, c. 107, s. 63.

TERRITORIAL JURISDICTION AND PLACE OF TRIAL.

In what court actions may be entered and tried.

64.—(1) An action may be entered and tried,

- (a) in the court for the division in which the cause of action arose or in which the defendant, or any one of several defendants, resides or carries on business at the time the action is brought; or
- (b) in the court the place of sitting whereof is the nearest to the residence of the defendant,

Actions for wages of woodmen.

provided that any action for wages of a woodman may be entered and tried in the court holden for the division in which the contract of hiring was made, notwithstanding any stipulation in the contract of employment or otherwise, and in this section, "woodman" means a person performing labour or services in connection with any logs or timber and includes cooks, blacksmiths, artisans and all others usually employed in connection with such labour or services.

SECTION 67. Subsection 3 of the present section is dropped because, in view of *The Evidence Act*, it is unnecessary.

(2) In the cases provided for by clause *b* of subsection 1 of subsection 2 of section 43, the summons may be served by a bailiff of the court out of which it issues, and upon judgment being recovered execution against the goods and chattels of the debtor, and all other process and proceedings to enforce payment of the judgment, may be issued to the bailiff of such court, and be executed and enforced by him in the county in which the debtor resides, as well as in the county in which the judgment was recovered. R.S.O. 1937, c. 107, s. 64.

65. If a person desires to bring an action in the court of a division other than as in section 64 mentioned, the judge may by order authorize an action to be entered and tried in the court of any division in his county adjacent to the division in which the defendant or one of the defendants resides, whether such defendant resides in the county of the judge granting the order or in an adjoining county. R.S.O. 1937, c. 107, s. 65.

66. No proviso, condition, stipulation, agreement or statement which provides for the place of trial of an action, matter or proceeding shall be of any force or effect where the defendant, within the time limited for disputing the plaintiff's claim or within such further time as the judge shall allow, files with the clerk of the court in which the action was commenced a notice disputing the jurisdiction of the court and an affidavit of the defendant or his agent stating that in his belief there is a good defence to the action on the merits, and the division wherein the cause of action arose, or partly arose, and the division where the defendant resides. R.S.O. 1937, c. 107, s. 66.

67.—(1) Where a claim is within the proper competence of a division court, the action may be brought notwithstanding that the residence of the defendant is, at the time of bringing the action, out of Ontario, and the action may be brought in the court of the division in which the cause of action arose or partly arose, but the court may refuse to allow the action to proceed if it appears that the action is one which ought to be tried elsewhere.

(2) The service of the summons may be made by a bailiff of the court out of which it issued or by any person who may, either before or after the service, be approved by the judge or by the clerk, but the summons shall be served at least fifteen days before the return day thereof. R.S.O. 1937, c. 107, s. 67 (1, 2).

(3) Where service of the summons has been effected out of Ontario, the judge may allow, as costs in the action, a sum

towards the expenses incurred in effecting service, not exceeding in the whole \$5. R.S.O. 1937, c. 107, s. 67 (4).

Where defendant a corporation with head office out of Ontario.

68. Where the defendant is a corporation not having its head office in Ontario, and the cause of action arose partly in one division and partly in another, the plaintiff may bring his action in either division. R.S.O. 1937, c. 107, s. 68.

Place of trial where amount sued for exceeds \$100.

69.—(1) Where the debt or money payable exceeds \$100 and is made payable by the contract of the parties at a place named therein, the action may be brought thereon in the court of the division in which the place of payment is situate, subject to the action being transferred to the court of any division in which but for this section it might have been brought.

Changing place of trial in such cases.

(2) The judge of the court in which the action is brought may, upon application of the defendant made within the time limited for disputing the plaintiff's claim, make an order transferring the action accordingly.

Affidavit in support of application.

(3) The application shall be supported by an affidavit of the applicant or his agent stating that the applicant intends to defend the action, that there is a good defence upon the merits, that the cause of action did not wholly arise in the division in which the action is brought, that the witnesses for the defence, or some of them, reside within the division in which the defendants, or one of them, resided or carried on business at the time the action was brought, and that the application is not made for the purpose of delay, and the dates of the next two sittings of the court to which it is sought to have the action transferred shall also be shown.

Order and papers to be transmitted to clerk.

(4) The order shall direct at what sittings of the court the action shall be tried, subject to all rights of postponement as in other cases, and shall be attached by the clerk to the summons and other proceedings in the action, and he shall forthwith transmit them to the clerk of the court to which the action is transferred, and enter a minute thereof in his procedure book.

To be entered in procedure book.

(5) Upon receipt of the order and other papers by the clerk of such last-mentioned court, he shall enter the action and proceedings in his procedure book.

Style.

(6) All the papers and proceedings in the action thereafter shall be entitled and carried on as though the action had originally been entered in the last-mentioned court.

Service of order.

(7) The defendant shall forthwith serve a copy of the order upon the plaintiff or his agent. R.S.O. 1937, c. 107, s. 69.

SECTIONS 68, 69 and 70. There is no change from the present provisions.

SECTION 71. This is a rewording of the present subsection 1 of section 75 with a view to setting out plainly what is to be done upon entering a claim. The final words of the present provision, referred to above, appear as subsection 2 of section 91 of this Bill.

SECTION 72 is the same as subsection 2 of the present section 75.

SECTION 73 is reworded only in a minor respect to bring it into line with section 71 of this Bill.

SECTIONS 74 and 75. There is no change from the present provisions.

70.—(1) If it appears that an action should have been entered in some other court of the same or some other county, When action entered in wrong court it shall not fail for want of jurisdiction, but, on such terms as the judge shall order, all the papers and proceedings in the action may be transferred to any court having jurisdiction in the premises, and shall become proceedings thereof as if the action had been entered therein, and shall be continued as if it had originally been entered in the last-mentioned court.

(2) The clerk of the court to which the proceedings have been transferred shall place the action on the list for trial at the next sittings of his court which commences six clear days or more after he receives the papers, and he shall forthwith after receiving the papers notify the parties or their agents by registered post of the date, hour and place of the sittings, and the clerk issuing the summons shall certify in detail to the court to which the action is transferred all the costs incurred up to the date of the transfer. R.S.O. 1937, c. 107, s. 71. Clerk to place on list and notify parties.

PROCEDURE BEFORE TRIAL.

71.—(1) The plaintiff shall enter his claim with the clerk and shall at the time of such entry leave with the clerk a copy of the claim for each defendant. Entry of claim.

(2) The claim shall set out the particulars thereof with reasonable certainty and detail. Particulars.

(3) Each claim shall be numbered by the clerk according to the order in which it is entered, and a summons shall be issued by the clerk, bearing the number of the claim on the margin thereof. R.S.O. 1937, c. 107, s. 75 (1), *part, amended.* Summons.

72. In an action on a promissory note, bill of exchange or cheque, the note, bill or cheque shall be filed with the clerk before judgment, unless otherwise ordered or unless it be shown that the note, bill or cheque is lost or that it cannot for some other reason be produced. R.S.O. 1937, c. 107, s. 75 (2). Promissory note, etc., to be filed.

73. The clerk shall annex the plaintiff's claim to the summons, and shall deliver copies of the summons and claim to the proper person to serve it. R.S.O. 1937, c. 107, s. 76, *amended.* What to accompany summons.

74. Where the amount of the claim exceeds \$30 the service shall be personal, and where the amount does not exceed \$30 the service may be on the defendant, his wife or servant, or on a grown-up inmate of the defendant's dwelling-house or usual place of abode or business. R.S.O. 1937, c. 107, s. 79. When service to be personal or otherwise.

Substitutional
service.

75. The judge may make an order for substitutional service or for service by advertisement or otherwise. R.S.O. 1937, c. 107, s. 80; 1939, c. 47, s. 7.

Service on
corporations.

76.—(1) Every summons or process, whether before or after trial, against a corporation, firm or individual whose chief place of business is not within the division in which the summons or process is issued, and all subsequent papers and proceedings in the action, may be served on the agent of the corporation, firm or individual whose office or place of business as such agent is either within the division from the court of which the summons or process issued, or is nearest thereto.

Interpre-
tation.

(2) For the purpose of this section, "agent" includes,

- (a) in the case of a railway company, a station-master having charge of a station of the company;
- (b) in the case of a telegraph company, a person having charge of a telegraph office of the company;
- (c) in the case of an express company, a person having charge of an express office of the company; R.S.O. 1937, c. 107, s. 81, *amended*.
- (d) in the case of any other corporation, firm or individual, a manager or other principal officer in charge of the office or place of business. *New*.

Notice of
dispute.

77. Where any party to an action intends to dispute the claim made against him he shall leave with the clerk within ten days of the service upon him of the summons or other process constituting a notice of the claim a notice of dispute setting out his reasons for disputing the claim together with sufficient copies thereof and the clerk shall forthwith send a copy thereof to each of the plaintiffs or other parties to the action. *New*.

Dispute as
to territorial
jurisdiction.

78. Where any party to an action intends to contest the territorial jurisdiction of the court, he shall include in his notice of dispute a statement that he disputes the jurisdiction of the court, and in default of such notice the jurisdiction shall be considered as established and determined and all proceedings may thereafter be taken as fully and effectually as if the action had been properly entered or taken in such court. R.S.O. 1937, c. 107, s. 70, *amended*.

Leave to
dispute
claim before
judgment.

79. At any time before judgment is entered although the time for giving the notice disputing the plaintiff's claim has expired, the judge, on sufficient grounds shown, and on such terms as to him may seem just, may give leave to the defendant

SECTION 76, although substantially the same as section 81 of the present Act, is revised for three purposes, viz.,

- (a) to ensure that it applies to all process;
- (b) to render it applicable to all corporations, firms and individuals instead of only those "whose chief place of business is not within Ontario"; and
- (c) to extend the definition of "agent" in the manner indicated by clause *d* of subsection 2.

SECTION 77. This section, while new, incorporates in the Act a provision which most people have assumed is already in it although the ten-day period replaces the periods of eight and twelve days recognized under present practice and referred to in other parts of the Act, e.g., sections 70 and 90 of the present Act.

SECTION 78. Although shortened, this section has the same effect as its predecessor.

SECTIONS 79 and 80. There is no change.

SECTIONS 81, 82 and 83. These provisions are changed only by altering "six days" to read "ten days" and "three days" to read "five days".

to dispute the plaintiff's claim, in which case the notice disputing the claim shall immediately be left with the clerk, and also delivered to the plaintiff or sent to him by registered post. R.S.O. 1937, c. 107, s. 93.

80. A defendant who has filed a notice disputing the claim may, by notice to the clerk at least six days before the sittings at which the action may be tried, consent that judgment be entered against him for any amount, and the clerk shall immediately notify the plaintiff thereof by registered post, and thereupon the plaintiff shall be entitled to have judgment entered by the clerk as by default for such amount and the costs necessarily incurred. R.S.O. 1937, c. 107, s. 94. Withdrawal
of defence.

81.—(1) Where the defendant desires to avail himself of the laws of set-off, or of *The Limitations Act* or of a defence under any other statute, he shall give notice thereof to the plaintiff. R.S.O. 1937, c. 107, s. 105 (1), *amended*. Notice of
set-off
or other
statutory
defence.
Rev. Stat.,
c. 118.

(2) Except by leave of the judge no evidence of set-off shall be given by the defendant save such as is contained in the particulars delivered. Evidence
of set-off.

(3) If the set-off proved exceeds the amount found to be due to the plaintiff, judgment shall be entered for the defendant for the excess, if the excess be an amount within the jurisdiction of the court; but if the excess be an amount beyond the jurisdiction of the court, the judge may order that an amount of the set-off equal to the amount found to be due to the plaintiff be satisfied by the claim, but the adjudication shall not be a bar to the recovery by the defendant in a subsequent action for the residue of the set-off. R.S.O. 1937, c. 107, s. 105 (2, 3). Where set-off
exceeds
amount
due to
plaintiff.

82.—(1) If the defendant desires to plead a tender before action of a sum of money in full satisfaction of the plaintiff's claim he may do so on filing his notice of dispute, and at the same time paying into court the amount mentioned in the notice, and notice of the dispute and payment shall be forthwith sent by the clerk to the plaintiff by registered post or delivered at his usual place of abode or business. Plea of
tender with
payment of
money
into court.

(2) The plaintiff shall be deemed to have accepted the money in full satisfaction of his claim and all proceedings in the action shall be stayed unless within five days after the receipt of notice of the payment he signifies in writing to the clerk his intention to proceed for his claim notwithstanding such defence, in which case the action shall proceed. Notice by
plaintiff.

(3) If the plaintiff does not give the notice mentioned in subsection 2, the money shall be paid to him less \$1 to be paid over to the defendant for his trouble. When
plaintiff
does not
give notice.

Giving of
notice
after time
limited.

(4) The judge may allow the plaintiff to give the notice to the clerk after the expiration of the five days on such terms as to him may seem just.

Rule as to
costs where
plaintiff
proceeds
for balance.

(5) If after tender and payment into court the plaintiff proceeds with the action and does not recover more than the sum paid into court, he shall pay the defendant his costs, charges and expenses, and the amount thereof may be paid to the defendant out of the money so paid in, or may be recovered from the plaintiff in the same manner as money payable under a judgment; but, if the plaintiff recovers more than the sum paid into court, the full amount paid into court shall be applied towards the satisfaction of his claim, and judgment may be given against the defendant for the residue and costs of the action. R.S.O. 1937, c. 107, s. 103, *amended*.

Defendant
may pay
money into
court.

83.—(1) The defendant may, within the time limited for filing his notice of dispute, pay into court a sum in full satisfaction of the plaintiff's claim, together with the plaintiff's costs up to the time of such payment.

Clerk to
give notice
of payment
to plaintiff.

(2) The clerk shall forthwith deliver or send notice of such payment by registered post to the plaintiff, and the sum so paid shall be paid to the plaintiff, and he shall be deemed to have accepted it in full satisfaction of his claim, and all proceedings in the action shall be stayed, unless within five days after the receipt of the notice the plaintiff gives notice to the clerk of his intention to proceed for the remainder of his claim, in which case the action shall proceed.

Notice to be
given after
five days.

(3) The judge may allow the plaintiff to give the notice to the clerk after the expiration of the said five days on such terms as to him may seem just.

Plaintiff
to pay
defendant's
costs if no
further sum
recovered.

(4) If the plaintiff recovers no more than the sum paid into court, he shall pay the defendant all costs, charges and expenses incurred by him in the action after such payment, to be taxed and recovered by the same means as any other sum ordered by the court to be paid. R.S.O. 1937, c. 107, s. 104, *amended*.

Clerks and
bailiffs
may take
confessions.

84.—(1) A clerk or bailiff may take a confession or acknowledgment of debt from a defendant, in the prescribed form, which shall be witnessed by the clerk or bailiff at the time of the taking thereof; and upon the production of the confession or acknowledgment to the judge, and proof thereof by the oath of the clerk or bailiff, the judge may order that judgment be entered thereon.

SECTION 84. There is no change in the provision except for subsection 3, which is new.

SECTIONS 85 and 86 are the same as their present counterparts.

(2) The oath shall state that the party making it has not received, and that he will not receive, anything from the plaintiff or defendant, or any other person, except his lawful fees for taking the confession or acknowledgment, and that he has no interest in the demand sought to be recovered. R.S.O. 1937, c. 107, s. 161.

(3) Either party may apply to a judge for judgment to be signed on consent. *New.*

85.—(1) The judge at any stage of the proceedings upon such terms as may appear to him to be just may order that the name of the plaintiff, defendant, or garnishee improperly joined be struck out and that any person who ought to have been joined or whose presence is necessary in order to enable the judge effectually and completely to adjudicate upon the questions involved in the action be added as plaintiff, defendant or garnishee.

(2) Where an action has been commenced in the name of the wrong person as plaintiff, or where it is doubtful whether it has been commenced in the name of the right plaintiff, the judge, if satisfied that it has been so commenced through a *bona fide* mistake and that it is necessary for the determination of the real matter in dispute so to do, may order any other person to be substituted or added as plaintiff upon such terms as he may deem just.

(3) No person shall be added or substituted as a plaintiff or as a next friend, unless his consent in writing thereto is filed.

(4) A person who is added as a defendant or garnishee shall be served with a copy of the summons, the original summons being first amended, and the proceedings against him shall be deemed to have commenced from the date of the order making him a party; but if the application to add any person as a party defendant or garnishee be made at the trial, the judge may make the order in a summary manner upon such terms as to him may seem just, and may dispense with the service of a copy of the summons if such person or his agent consents thereto. R.S.O. 1937, c. 107, s. 89.

86.—(1) Where a defendant claims to be entitled to contribution or indemnity from or any other relief over against any person not a party to the action or against another defendant, hereinafter called a third party, he may within the time limited for entering his dispute, enter with the clerk his account, claim or demand in writing in detail, and in cases of tort particulars of his demand, against the third party stating the nature and grounds thereof and shall at

the same time deliver to the clerk a copy, and if necessary copies of his account, claim or demand and shall pay to the clerk the prescribed fees.

Summons
to third
party.

(2) The clerk upon receipt of the prescribed fees shall annex the account, claim or demand and particulars, if any, to a copy of the summons to the defendant and shall deliver a copy thereof to the proper person for service upon the third party.

Procedure.

(3) The practice and procedure as between the defendant and the third party shall be the same *mutatis mutandis* as the practice and procedure as between a plaintiff and defendant and the judge may make such direction as may appear proper for having the question between the defendant and the third party most conveniently determined and as to the mode and extent in or to which the third party shall be bound or made liable by the judgment in the action and may make such order or give such judgment against the third party as may be required.

Default
of
appearance.

(4) Where a third party makes default in entering an appearance, if the action is tried and results in favour of the plaintiff, the judge who tries the action may, at or after the trial, direct such judgment as the nature of the case may require to be entered for the defendant giving the notice against the third party.

Delay to
be avoided.

(5) A plaintiff shall not be prejudiced or unnecessarily delayed by reason of questions between the defendant and the third party in which he is not concerned and such directions shall be given and terms imposed as may be necessary to prevent delay of the plaintiff where it can be done without injustice to the defendant and the third party. 1941, c. 20, s. 4.

Where no
dispute —
general rule.

87. Where in an action in which the claim is not a debt or money demand the defendant does not leave a notice of dispute with the clerk within ten days of the service upon him of the summons and claim, the plaintiff shall not be required to prove liability but shall prove the amount of his claim in court. *New.*

Default
judgment.

88.—(1) Where in an action for the recovery of a debt or money demand the defendant does not leave a notice of dispute with the clerk within ten days of the service upon him of the summons and claim, final judgment may be entered by the clerk at any time within six months of the return of the summons, or, by the order of the judge, at any time thereafter for the amount claimed and execution may issue thereon without prejudice to the right of the plaintiff to proceed for the remainder of his claim. R.S.O. 1937, c. 107, s. 90 (1), *part, amended.*

SECTION 87. This section, although new, removes doubt as to the regularity of what is generally recognized as law and established practice. It is presently dealt with only by the inference raised by the present section 90, which is superseded by section 88 of this Bill.

SECTION 88. While subsections 1 and 2 replace and are of the same effect as the present section 90, the wording is substantially altered and simplified. The expression "special summons" (used in the present provision) has, as a careful study of the Act discloses, been generally misunderstood. In practice the term is applied to every summons instituting an action resulting in confusion in interpreting provisions where it is used. The more descriptive and more accurate term "debt or money demand summons" should avoid future misunderstanding of the relevant provisions. Subsections 3 and 4 do not differ in effect from the corresponding provisions of the present Act.

SECTIONS 89 and 90 have been altered only sufficiently to bring the wording into line with section 88.

(2) Where in an action for the recovery of a debt or money demand a notice of dispute is filed in respect of part only of the plaintiff's claim, subsection 1 shall apply to the other part of such claim. R.S.O. 1937, c. 107, s. 90 (1), *part, amended*. Dispute as to part of claim.

(3) Judgment shall not be entered until the summons and claim with an affidavit of the due service of both have been filed. Proof of service.

(4) The judge may set aside the judgment and permit the case to be tried on such terms as to him may seem just. R.S.O. 1937, c. 107, s. 90 (2, 3), *amended*. Judge may set aside judgment.

89. Where proof is made by affidavit or otherwise of the service of a debt or money demand summons and of the claim as required by section 90, and judgment has not been entered under such section, the judge may, if the defendant does not in person or by agent appear in open court, as required by the summons, give judgment against him by default, without requiring proof of the plaintiff's claim. R.S.O. 1937, c. 107, s. 91, *amended*. Judgment by default under s. 90, where final judgment not entered.

90.—(1) In any action for \$25 or more commenced by a debt or money demand summons, the plaintiff, on an affidavit made by himself or any other person swearing positively to the facts and verifying the cause of action and the amount claimed and stating that in his belief there is no defence to the action, and the reasons why immediate judgment should be granted, may concurrently with the service of the debt or money demand summons, or at any subsequent time, serve the defendant with a notice of motion and copy of the affidavit, returnable not less than four clear days after service, to show cause before the judge why the plaintiff should not be at liberty to have final judgment entered by the clerk for the amount of the debt or money demand sought to be recovered, together with interest, if any, and costs. R.S.O. 1937, c. 107, s. 92 (1), *amended*. Motion for judgment.

(2) The judge thereupon, if the reasons for immediate judgment appear to be sufficient, unless the defendant or his agent by affidavit or otherwise satisfies him that the defendant has a good defence to the action on the merits, or discloses such facts as may be deemed sufficient to entitle him to defend the action, may make an order empowering the clerk to sign final judgment. Idem.

(3) The defendant may show cause by offering to bring into court the amount sought to be recovered, or by affidavit which shall state whether the defence he alleges goes to the How defendant may show cause.

whole or to part only, and if to part only, then to what part of the claim, and the judge may, if he thinks fit, order the defendant to attend and be examined upon oath, and to produce any books and documents, or copies thereof, or extracts therefrom.

Partial
defence.

(4) If it appears that the defence applies only to a part of the claim, or that part of the claim is admitted to be due, the plaintiff shall be entitled to have final judgment entered forthwith for such part of his claim as the defence does not apply to or as is admitted to be due, subject to such terms, if any, as to suspending execution, payment of any amount levied, or any part thereof, into court by the bailiff, the taxation of costs or otherwise, as to the judge may seem just, and the defendant may be allowed to defend as to the residue of the claim.

Where one
defendant
has good
defence.

(5) If it appears to the judge that a defendant has a good defence, or ought to be permitted to defend, and that any other defendant has not such defence, and ought not to be permitted to defend, the former may be permitted to defend, and the plaintiff shall be entitled to have judgment entered against the latter, and may issue execution upon the judgment without prejudice to his right to proceed with his action against the former.

Terms upon
giving leave
to defend.

(6) Leave to defend may be given unconditionally, or subject to such terms as to giving security or otherwise, as to the judge may seem just.

Setting
aside or
varying
order.

(7) Within seven days after making the order, and upon good grounds being shown, the judge may set aside or vary the order upon such terms as to him may seem just. R.S.O. 1937, c. 107, s. 92 (2-7).

TRIALS, WITNESSES, EVIDENCE.

Judge may
summarily
dispose of
action.

91.—(1) Where a trial is to be had the defendant shall either personally or by agent, appear in the court to answer, and, on answer being made, the judge shall without further pleading or formal joinder of issue proceed in a summary way to try the action and give judgment, and if satisfactory proof is not given entitling either party to judgment, he may nonsuit the plaintiff. R.S.O. 1937, c. 107, s. 97, *amended*.

Scope of
evidence.

(2) No evidence shall be given of any cause of action except such as is contained in the claim as entered by the plaintiff, unless the judge in the special circumstances of any case otherwise directs. R.S.O. 1937, c. 107, s. 75 (1), *part, amended*.

SECTION 91. There is no real change although the arrangement is new. The provisions of subsection 2 are lifted from the present section 75 (which deals with the entry of the claim and issue of the summons) and placed as a separate subsection in this more appropriate location and in addition the trial judge is given a discretion.

SECTIONS 92 to 103. There is no change in effect although the grouping of sections is altered by bringing those sections dealing with costs into the group relating to trials and incidental matters.

92.—(1) The clerk shall place all actions in which the sum sought to be recovered exceeds \$100 at the foot of the trial list and the judge shall in such cases, unless an agreement not to appeal has been signed and filed as provided by section 107, take down the evidence in writing or cause the same to be taken down in shorthand by a shorthand writer appointed under section 17 of *The County Judges Act*, or by some other competent person. Actions over \$100.
Rev. Stat., c. 102.

(2) Where the evidence is taken down by the judge in writing it shall be left with the clerk and in the event of an application for a new trial it shall be forwarded to the judge by the clerk for the purposes of the application. Evidence taken down by judge.

(3) Where the evidence is taken down in shorthand it shall not be necessary for the shorthand writer to extend or transcribe his notes except in the case of an appeal or an application for a new trial. Shorthand writer's notes.

(4) The fees and expenses of a shorthand writer appointed under section 17 of *The County Judges Act* attending for the purpose of taking down the evidence as provided in subsection 1, shall be borne and paid in the same manner as the fees and expenses of a shorthand writer attending a sittings of a county or district court. R.S.O. 1937, c. 107, s. 98. Fees and expenses.

93. If the defendant does not appear at the trial or sufficiently excuse his absence, or if he neglects to answer, the judge, on proof of due service of the summons and particulars, may proceed with the trial in his absence, and, except where the plaintiff's claim is for unliquidated damages in case of the personal service of the summons and of detailed particulars of the plaintiff's claim, the judge may, in his discretion, give judgment without further proof. R.S.O. 1937, c. 107, s. 100, *amended*. Proceedings in case defendant does not appear.

94. The judge may adjourn the trial of an action, whether it is being tried with or without a jury, to permit either party to summon witnesses or to produce further proof, or to serve or give any notice necessary to enable him to enter more fully into his case or for any cause which the judge thinks reasonable, upon such conditions as to payment of costs and admission of evidence, or otherwise, as to him may seem just. R.S.O. 1937, c. 107, s. 101. Judge may adjourn hearing of cause.

95.—(1) A party may obtain from the clerk of any division court in the county a subpoena with or without the clause for the production of books, papers and documents, requiring any witness, resident within Ontario or served with the subpoena therein, to attend at a specified court or place before the judge, or an arbitrator appointed by him under the provisions hereinafter contained, and the clerk, when requested by a party Parties may obtain subpoenas from clerk.

or his agent, shall furnish copies of such subpoena. R.S.O. 1937, c. 107, s. 106.

Service of
subpoena.

(2) Any number of names may be inserted in a subpoena, and service thereof may be made by any literate person, personally or by leaving a copy thereof at the usual place of abode of the witness, and proof of service and of tender or payment of witness fees and mileage may be received by the judge, either orally or by affidavit. R.S.O. 1937, c. 107, s. 107.

Penalty for
disobeying
subpoena or
refusing to
be sworn.

96.—(1) Every person served with a copy of a subpoena to or for whom at the time of service a tender or payment of his witness fees and mileage has been made, who refuses or neglects without sufficient cause to obey the subpoena, and every person in court called upon to give evidence who refuses to be sworn or to give evidence, shall be liable to pay such fine not exceeding \$8 as the judge may order, and shall be also liable to imprisonment for any time not exceeding ten days on the order of the judge.

Enforcing
payment
of fine.

(2) The fine shall be levied and collected with costs by the same process as a judgment recovered in the court, and the whole or any part of the fine, after deducting the costs, shall be applicable, in the discretion of the judge, towards indemnifying the party injured by such refusal or neglect, and the remainder shall form part of the Consolidated Revenue Fund. R.S.O. 1937, c. 107, s. 108.

Power to
issue com-
missions
to take
evidence.

97.—(1) If a party is desirous of having at the trial or hearing the testimony of a person residing out of Ontario, the judge, upon hearing the parties, may order the issue of a commission out of and under the seal of the court to a commissioner to take the examination of such person.

Applicant
and
employees.

(2) An order shall not be made for the issue of a commission for taking the testimony of the party applying therefor, or of any person in his employment, unless in the opinion of the judge a saving of expenses will be caused thereby, or unless it is clearly made to appear that the party or person is aged, infirm, or unable from sickness to appear as a witness.

Persons in
Ontario.

(3) If it is made to appear to the judge that a material and necessary witness residing in Ontario is sick, aged or infirm, or that he is about to leave Ontario, and that his attendance as a witness cannot be procured, the judge may make an order appointing a suitable person to take his testimony.

Idem.

(4) An order may also be obtained for the examination of a witness who resides in a remote part of Ontario, and at a great distance from the place of trial, if it be made to appear

that his attendance cannot be procured, or that the expense of his attendance would be out of proportion to the amount involved in the action, or so great that the party desiring his attendance should not under the circumstances be required to incur the same.

(5) A copy of the order, with two days' notice of the time and place of the examination, shall be served upon the opposite party, or his agent, who may appear, and cross-examine the witness. Service of order.

(6) The rules of the Supreme Court, so far as the same are applicable, shall apply to every commission or order issued under this section. Rules S.C.O.

(7) The costs of the issue, transmission, execution and return of any commission issued or order made under this section shall be in the discretion of the judge, who may allow a sum in gross therefor, and the costs may be added to any other costs to be paid to the party entitled thereto, and may be recovered in like manner as the ordinary costs of an action. Costs of commission. R.S.O. 1937, c. 107, s. 110.

98. In an action for a debt or money demand of not more than \$25, and in case of a defence of set-off or of payment so far as it extends to \$25, the judge, on being satisfied of their general correctness, may receive the plaintiff's, defendant's or garnishee's books as evidence, and may also receive as evidence the affidavit of any party or witness resident out of the county, but may require the party or witness to answer written interrogatories upon oath. R.S.O. 1937, c. 107, s. 111. Admissibility of books of account.

99.—(1) In any action, the judge may in his discretion permit the evidence of any person out of the jurisdiction, or in some remote part of Ontario, to be given by affidavit upon such terms as to cross-examination, the answering of written interrogatories upon oath and the production of books and papers for inspection and otherwise as may be deemed necessary. When evidence may be given by affidavit.

(2) Where in the opinion of the judge expense is unnecessarily incurred by reason of any objection of either party to the reception of affidavit evidence or by cross-examination he may order that party to pay the costs of both parties occasioned by the objection. R.S.O. 1937, c. 107, s. 112. Costs occasioned by objection to affidavit evidence.

100. A barrister or solicitor, or any other person not prohibited by the judge, may appear at the trial or hearing of an action as agent for any party thereto. R.S.O. 1937, c. 107, s. 102. Who may act as agents at trial.

Judge may give judgment instant, or postpone judgment.

101. The judge shall, in court, openly, and as soon as may be after the trial, pronounce his decision; but if he is not then prepared to pronounce a decision he may postpone it until it is convenient for him to give it, and he shall then send it to the clerk, who shall forthwith enter the judgment and by registered post notify the parties or their agents thereof. R.S.O. 1937, c. 107, s. 114.

Order as to payment.

102.—(1) The judge may order the times and the proportions in which any sum and costs recovered by judgment shall be paid, having regard to section 116.

Execution not to issue for fifteen days after judgment.

(2) Unless otherwise ordered, execution shall not issue within fifteen days after the entry of judgment, but the judge may order the amount of the judgment or any instalment thereof to be paid into court. R.S.O. 1937, c. 107, s. 115.

Judge's authority as to costs.

103.—(1) Unless otherwise provided, the costs of and incidental to all actions shall be in the discretion of the judge, who shall have full power to determine by whom and to what extent costs shall be paid.

Costs to abide event except by order.

(2) If the judge does not make an order as to costs they shall abide the event of the action.

Allowance to defendant for attendance.

(3) Where the plaintiff does not appear or does not prove his claim, the judge may award to the defendant a sum for his trouble and attendance not exceeding what he would be entitled to if a witness on his own behalf, to be recovered by execution.

Costs when action fails for want of jurisdiction.

(4) Where the plaintiff fails to recover judgment by reason of the court not having jurisdiction, the judge shall nevertheless have the power conferred by subsection 1, and the recovery of the costs awarded may be enforced by the same remedies by which costs of proceedings within the proper competence of the court are recoverable. R.S.O. 1937, c. 107, s. 162.

Counsel fee — where action contested;

104.—(1) Where in an action for more than \$100 which is contested as to liability or quantum, and in the cases mentioned in clauses *b* and *c* of section 108, a counsel or solicitor has been employed by the successful party in the conduct of the cause or defence, the judge may direct that a sum of \$5, to be increased according to the difficulty and importance of the case to not more than \$40 or if the case occupies more than one day, to not more than \$50, be allowed to the successful party and it shall be added to the costs. R.S.O. 1937, c. 107, s. 163, *amended*.

SECTION 104. The provisions relating to the granting of counsel fees have been revised. Subsection 1 of this section is a revision of the present section with an increase from \$25 to \$40 in the maximum fee. The term "contested" is clarified. Subsections 2 and 3 are new.

SECTION 105 is the same as the present corresponding section.

SECTION 106 is similar to the present provision with the exception of the words "after affording the other parties to the action an opportunity to be heard" in subsection 1 and the more comprehensive provision for a stay of proceedings as contained in subsection 5.

(2) Where in an assessment of damages upon which the defendant does not appear personally or by counsel and in which judgment is given for more than \$100, a counsel or solicitor has been employed by the plaintiff, the judge may direct that a sum of \$5, to be increased according to the difficulty and importance of the case to not more than \$25, be allowed to the plaintiff and it shall be added to the costs. ^{where assessment uncontested;}

(3) Where any party applies for and obtains an adjournment in an action involving more than \$100 which is contested as to liability or quantum, the presiding judge may, if he is of opinion that counsel for any of the other parties has been unduly inconvenienced by the adjournment, award him a counsel fee of \$10. *New.* ^{where adjournment.}

105. Where the defendant having disputed the plaintiff's claim, afterwards and before the opening of the court, confesses judgment or pays the claim so short a time before the sittings of the court that the plaintiff cannot in the ordinary way be notified thereof, and without such notice the plaintiff *bona fide* and reasonably incurs expenses in procuring witnesses or in attending at court, the judge may order the defendant to pay such costs or such portion thereof as to him may seem just. R.S.O. 1937, c. 107, s. 164. ^{Costs of witnesses in certain cases.}

NEW TRIALS; APPEALS.

106.—(1) Upon application made within fourteen days after the trial, or where the decision is not given at the trial after the mailing of the notice of the decision to the party applying, and upon good grounds being shown, the judge, after affording the other parties to the action an opportunity to be heard, may grant a new trial upon such terms as he thinks proper. R.S.O. 1937, c. 107, s. 116 (1), *part, amended.* ^{New trial.}

(2) If reasonable excuse for the delay is shown to the satisfaction of the judge, the application may be made at any time within fourteen days after the expiration of the first-mentioned fourteen days. ^{Extending time for application.}

(3) Where the summons has not been personally served the application may be made at any time within fourteen days after the judgment has come to the knowledge of the defendant. ^{Where personal service not effected.}

(4) Instead of granting a new trial, the judge may pronounce the judgment which in his opinion ought to have been pronounced at the trial, and may order judgment to be entered accordingly. R.S.O. 1937, c. 107, s. 116 (2-4). ^{Judgment on application for new trial.}

(5) Either upon the application or upon granting a new trial the judge may make such order staying proceedings as ^{Stay of proceedings.}

he deems proper. R.S.O. 1937, c. 107, s. 116 (1), *part, amended.*

Parties may agree not to appeal.

107. An appeal shall not lie if, before the commencement of the trial, there is filed with the clerk an agreement in writing not to appeal, signed by the parties or their agents, and the judge shall note in his minutes whether the agreement was so filed or not, and the minutes shall be conclusive evidence upon that point. R.S.O. 1937, c. 107, s. 99.

Appeals to Court of Appeal.

108. Subject to section 107 an appeal shall lie to the Court of Appeal from the decision of the judge at or after the trial or upon an application for a new trial, except in cases where a new trial has been granted,

- (a) in an action or garnishee proceeding where the sum in dispute exceeds \$100, exclusive of costs;
- (b) in interpleader where the money or the value of the goods or chattels claimed or proceeds thereof exceed \$100, or where the damages claimed by or awarded to either party against the other or against a bailiff exceeds the sum of \$60;
- (c) where the parties consent to an appeal; or
- (d) where the effect of the decision is to determine that any general assessment made by a mutual insurance company is invalid; but the company, unless the Court of Appeal otherwise directs, shall pay the respondent's costs of the appeal between solicitor and client on the county court scale in any event. R.S.O. 1937, c. 107, s. 118.

Appeal where counter-claim.

109. Where a claim and counterclaim arise out of the same transaction or occurrence and an appeal is brought from the judgment upon either, the judgment upon both shall be subject to review by the court. R.S.O. 1937, c. 107, s. 119.

Agents for service where right to appeal.

110.—(1) Where an appeal lies, each party shall, before or at the trial, leave with the clerk a memorandum in writing of the name and place of abode of some person resident within the county town upon whom the notice of appeal, and all other papers thereafter requiring service, may be served for him, and service upon such person, or, in his absence, at his place of abode, shall be sufficient, and, in the event of failure to leave such memorandum, all papers requiring service upon the party so failing may be served upon the clerk, or left at his office, and the clerk shall forthwith send, by registered post, all papers so served upon him, to the person entitled thereto.

SECTIONS 107 to 112; 114 to 129. There is no change from the present provisions.

SECTION 113, which is new, prescribes the powers and duties of the Court of Appeal, a provision which is lacking from the present Act.

(2) This section shall not apply to a provisional judicial district. R.S.O. 1937, c. 107, s. 120. Case of judicial district.

111. The clerk shall, at the request of the appellant or his agent, certify under his hand to the Registrar of the Supreme Court at Osgoode Hall, Toronto, the summons with all notices endorsed thereon, the claim, and any notice of defence, the evidence and all objections and exceptions thereto, and all motions or orders made, granted, or refused therein, together with such notes of the judge's charge as may have been made, the decision when in writing, or the notes thereof, and all affidavits and other papers in the action, and shall furnish to the parties, when required so to do, copies of the proceedings so certified, or such part thereof as may be required, and for every copy he shall be entitled to receive five cents for every one hundred words. R.S.O. 1937, c. 107, s. 121. Certified proceedings, etc., to be furnished by clerk.

112.—(1) The appeal shall be made in the time and manner prescribed by the rules of court and shall be heard and determined by one justice in appeal. R.S.O. 1937, c. 107, s. 122 (1); 1941, c. 20, s. 5. Appeal, when and how made.

(2) After the appeal has been set down to be heard, the execution of the judgment appealed from shall be stayed pending the appeal, unless otherwise ordered by a judge of the Supreme Court. R.S.O. 1937, c. 107, s. 122 (2). Stay of proceedings.

113. On an appeal to the Court of Appeal under this Act, the Court of Appeal shall have the same powers and duties as in an appeal coming before it under *The County Courts Act* and the practice and procedure applicable thereto shall *mutatis mutandis* apply to appeals under this Act. *New.* Powers and duties of Court of Appeal. Rev. Stat., c. 103.

114. The costs taxable between party and party of and incidental to an appeal shall be the actual disbursements, and no greater amount over and above actual disbursements than \$25 inclusive of counsel fee, and the costs of an appeal between solicitor and client shall be taxable on the county court scale. R.S.O. 1937, c. 107, s. 123, *amended.* Taxable costs on appeal.

JUDGMENTS; EXECUTIONS; TRANSCRIPTS.

115.—(1) Where the judge gives judgment or makes an order for the payment of money and default is made in payment of the whole or of any part thereof, the party in whose favour the order has been made shall be entitled to execution against the goods and chattels and, subject to section 125, the land of the party in default. R.S.O. 1937, c. 107, s. 165 (1); 1941, c. 20, s. 6 (1). When money not paid pursuant to order, execution to issue.

Form of
execution.

(2) The clerk, at the request of the party prosecuting the judgment or order, shall issue an execution to a bailiff of the court, or to a bailiff of any other court within the county, who by virtue thereof shall levy by distress and sale of the goods and chattels of the party in default such sum and costs, with interest thereon from the date of the order or of the entry of the judgment, as have been ordered to be paid and remain due, and shall pay the same over to the clerk. R.S.O. 1937 c. 107, s. 165 (2).

Jurisdiction
of bailiff.

(3) The bailiff of any division court shall have jurisdiction throughout the county to enforce execution and levy by distress and sale of the goods and chattels of the debtor the amount of any judgment and costs and to carry out all other process and proceedings to enforce payment of the judgment, and where the limits of a division court include parts of two counties such jurisdiction shall apply throughout both of such counties, provided that where a bailiff goes outside the limits of the division for which he is appointed under this subsection he shall not be entitled to any mileage allowance in respect of travelling outside of such division. 1941, c. 20, s. 6 (2).

Execution
not to be
postponed
for more
than fifty
days.

116. Except where a new trial is granted, the issue of execution shall not be postponed for more than fifty days from the service of the summons, without the consent of the party entitled thereto; but if it is proved to the satisfaction of the judge that a party is unable, from sickness or other cause, to pay the debt or damages recovered against him, or any instalment thereof ordered to be paid, or that for any other reason the issue of execution should be further postponed, the judge may stay the judgment, order or execution for such time and on such terms as he thinks fit, and so from time to time until it is proved that the cause of disability has ceased. R.S.O. 1937, c. 107, s. 117.

Cross
judgments
may be
set off.

117. If there are cross judgments between the parties, the party who has obtained judgment for the larger sum shall have execution for the excess and satisfaction for the remainder, and also satisfaction on the judgment for the smaller sum shall be entered; and if both sums are equal, satisfaction shall be entered upon both judgments. R.S.O. 1937, c. 107, s. 166.

Writs of
execution,
where to be
executed.

118. Except in actions brought under section 65, an execution or attachment shall not be executed out of the limits of the county over which the judge of the court from which the same issues has jurisdiction. R.S.O. 1937, c. 107, s. 167.

119. Where the party against whom an execution has been issued pays or tenders to the clerk or to the bailiff, before an actual sale of his goods and chattels, the amount to be levied or so much thereof as the party in whose favour the execution has issued agrees to accept in full of his debt, together with the fees to be levied, the execution shall thereupon be superseded, and the bailiff shall withdraw from possession. R.S.O. 1937, c. 107, s. 168.

120.—(1) The clerk, immediately after a return of *nulla bona* has been made to an execution issued on a transcript of judgment, shall forward by registered post to the plaintiff and to the clerk who issued the transcript a notice informing them of the date at which the execution issued, the date at which it was returned by the bailiff, and the return made.

(2) The clerk shall file among the papers in the action the post-office certificate of registration, and the absence from amongst the papers of the certificate shall be *prima facie* evidence against the clerk that the notice was not forwarded. R.S.O. 1937, c. 107, s. 169.

121. Where a memorandum of the amount of a judgment or execution or a certificate of a claim within the jurisdiction of a division court is filed with a sheriff under *The Creditors Relief Act*, and the amount is not paid in full, and the sheriff is unable to make the money thereon, the creditor may obtain from the sheriff a return according to the fact and file the same with the clerk of the court in which the judgment was recovered, or, in the case of a certificate of a claim, with the clerk of the court of the division where the cause of action arose, or the debtor, or one of the debtors, if more than one, resides, and the clerk shall enter the return in his procedure book, and in the latter case the claim shall thereupon become a judgment of the court for the unpaid balance due thereon appearing by the return, and may be enforced in the same manner as a judgment of the division court. R.S.O. 1937, c. 107, s. 170.

122. In the case of the death of either or both of the parties to a judgment, the party in whose favour the judgment has been entered, or his personal representative in case of his death, may in the prescribed form revive the judgment against the other party, or his personal representative in case of his death, and may issue execution thereon. R.S.O. 1937, c. 107, s. 171.

123.—(1) Every execution against goods shall bear the date of its issue and shall be returnable immediately after the execution thereof, and, if unexecuted shall remain in force for three months, unless renewed, but may be renewed

from time to time in the prescribed manner by the clerk at the instance of the execution creditor for six months from the date of the renewal. R.S.O. 1937, c. 107, s. 172 (1), *amended*.

Priority of execution.

(2) The execution so renewed shall have effect and be entitled to priority according to the time of the original delivery thereof to the bailiff. R.S.O. 1937, c. 107, s. 172 (2).

Judge may order an execution to issue before regular day.

124. Where the judge is satisfied by the oath of the execution creditor or by other testimony that he will be in danger of losing the amount of the judgment if compelled to wait until the day appointed for the payment thereof before an execution can issue, the judge may order an execution to issue at such time as he may deem just. R.S.O. 1937, c. 107, s. 173.

Executions against lands.

125.—(1) Where the sum remaining unsatisfied on a judgment amounts to \$40 or upwards, the judgment creditor shall be entitled to an execution against the land of the judgment debtor, and the clerk, at the request of the party prosecuting the judgment, shall issue an execution against the land of the judgment debtor directed to the sheriff of any county. R.S.O. 1937, c. 107, s. 174 (1); 1941, c. 20, s. 7.

Effect of execution.

(2) The execution shall have the same force and effect as an execution issued from a county court.

Notice to debtor.

(3) Where an execution against lands has been placed in the hands of the sheriff he shall give notice thereof to the judgment debtor by registered letter addressed to him at his present or last known residence.

Sheriff's return to be made to clerk.

(4) The sheriff shall make a return thereof and pay any money made thereon to the clerk of the court out of which the execution issued.

Further proceedings by execution creditor.

(5) Until the judgment is fully satisfied, the execution creditor may pursue the same remedy for the recovery thereof as if the judgment had been obtained in the county court.

Duration and renewal of writ.

(6) The writ, if unexecuted, shall remain in force for three years only from its issue unless renewed, but may be renewed from time to time in the prescribed manner by the clerk at the instance of the execution creditor for three years from the date of the renewal.

Formal effect of renewal.

(7) The execution may be renewed by being marked on the margin with a memorandum signed by the clerk stating the day, month and year of the renewal, and a writ so re-

newed shall have effect and be entitled to priority according to the time of the original delivery thereof to the sheriff.

(8) The production of an execution purporting to be marked with the memorandum shall be *prima facie* evidence of its having been renewed. Evidence of renewal.

(9) The sheriff shall be entitled to the same fees as upon a writ of execution against land issued from a county court. Fees on writ against lands.

(10) Where land is on hand for want of buyers a sheriff to whom the execution is directed may endorse thereon a return of "land on hand for want of buyers" and shall return a certificate of the endorsement to the clerk of the division court from whose office the execution issued in lieu of the writ, and the endorsement and the certificate so returned shall be deemed a return of the writ, and thereupon a writ of *venditioni exponas* may be issued by the clerk for the sale of the land and the original execution shall remain in force for the residue. R.S.O. 1937, c. 107, s. 174 (2-10). Certificate in lieu of execution.

126. The bailiff, after making a seizure under an execution against goods, shall endorse thereon the date of the seizure, and shall immediately and at least eight days before the time appointed for the sale put up at three of the most public places in the division where any property liable to be sold under the execution has been taken, public notice, signed by himself, of the time and place within the division when and where it will be exposed for sale, and the notice shall describe the property taken. R.S.O. 1937, c. 107, s. 176. Bailiff after seizure of goods to endorse date of seizure and give notice of sale.

127. The property so taken shall not be sold until the expiration of eight days at least after the seizure thereof, unless upon the request in writing under the hand of the party whose property has been seized. R.S.O. 1937, c. 107, s. 177. Goods not to be sold until eight days after seizure.

128. Where a bailiff has seized property under an execution or attachment and the action is afterwards settled between the parties, or the defendant makes an assignment for the general benefit of his creditors, the bailiff, until his fees and disbursements are fully satisfied, shall have a lien therefor upon so much of the property as will reasonably satisfy the same; but in the event of a dispute as to the proper amount of the fees and disbursements, the amount claimed therefor may be paid into court until the proper amount is certified by the judge, and on such payment into court the lien shall cease. R.S.O. 1937, c. 107, s. 179. Bailiff's fees when action settled.

129.—(1) The clerk, upon the application of a person having an unsatisfied judgment in his favour, shall prepare a transcript of the judgment in the prescribed form, and shall Transcript of unsatisfied judgment.

send the same to the clerk of any other division court, whether in the same or in any other county, with a certificate at the foot thereof signed by him, sealed with the seal of the court, and addressed to the clerk of the court to whom it is to be sent, stating the amount unpaid upon the judgment, the date at which the same was recovered, and the post-office address of the person applying for the transcript, and the clerk to whom the certificate is addressed shall, on the receipt of the transcript and certificate, enter the transcript and the amount due on the judgment according to the certificate in a book to be kept in his office for the purpose, and all proceedings may be taken for enforcing the judgment in such last-mentioned court.

Proceedings
stayed.

(2) After a transcript has been issued under this section, no further proceedings shall be had in the court from which the transcript issued without an order from the judge, unless the person who obtained the transcript, or his agent, makes and files with the clerk an affidavit stating,

(a) that the judgment remains unsatisfied in whole or in part;

(b) that the execution issued out of the court to which the transcript was sent has been returned *nulla bona*, or that he believes the judgment debtor has not sufficient goods in the division of that court to satisfy the judgment,

and upon the affidavit being filed, the clerk may issue such other process as the applicant may be entitled to and may direct. R.S.O. 1937, c. 107, s. 180.

JUDGMENT SUMMONS; SHOW CAUSE SUMMONS.

Judgment
summons.

130.—(1) A party having an unsatisfied judgment may procure from the court out of which execution might issue, if the judgment debtor resides or carries on business within the limits of that court, a judgment summons.

Judgment
summons,
issue of.

(2) Where a judgment debtor resides or carries on business within the limits of a city where there are two or more division courts having territorial jurisdiction within the limits of the city, a judgment summons may issue out of any such court in which the judgment has been recovered or in which a transcript of judgment has been entered. R.S.O. 1937, c. 107, s. 182 (1, 2).

Affidavit
required
before
judgment
summons.

(3) Before the summons is issued the judgment creditor, or his agent, shall make and file with the clerk an affidavit stating,

Judgment Summons; Show Cause Summons.

SECTIONS 130 to 140. While introducing little, if any, change in practice in most parts of the province, the provisions relating to judgment summons and show cause summons are revised for the purpose of clarification and of providing for procedures which, while assumed or taken for granted in most courts, are provided for unsatisfactorily or by inference or not at all under the present Act.

SECTION 130. Clause *b* of subsection 3 will in future apply only to a second or subsequent summons, it being unreasonable to require its application to the first judgment summons since at that time the judgment creditor may have no knowledge of the debtor's means.

Subsection 7, which is new, removes doubt as to the judge's authority.

Subsection 9 is revised. The words "dismisses the summons" replace and clarify the present wording "makes no order against the party examined". The six-month limitation is new, there being presently no limitation.

SECTION 131. This new provision affords authority for what has long been recognized practice in division courts—the show cause summons.

- (a) that the judgment remains unsatisfied in whole or in part; and
- (b) in the case of a second or subsequent summons that the deponent believes that the judgment debtor sought to be examined is able to pay the amount due in respect of the judgment or some part thereof, or that he has rendered himself liable to be committed to jail under this Act. R.S.O. 1937, c. 107, s. 182 (3), *amended*.

(4) The summons shall be served personally upon the judgment debtor at least eight days before the return day, and if he appears he may be examined upon oath as to any and what debts are owing to him and touching his estate and effects, and the manner and circumstances under which he contracted the debt or incurred the damages or liability which formed the subject of the action, and as to the means and expectation he then had, and as to the property and means he still has of discharging the judgment debt, and as to the disposal he has made of any property. Examination of judgment debtor.

(5) The party obtaining the summons and all witnesses whom the judge thinks requisite may be examined upon oath, touching the inquiries. Examination of witnesses.

(6) The examination shall not be held in open court unless the judge so directs. R.S.O. 1937, c. 107, s. 182 (4-6). Place of examination.

(7) After the examination or upon written consent signed by the judgment debtor or his solicitor the judge may make such order as to payment of the judgment and as to the time and manner thereof as he deems proper. *New*. Order as to payment.

(8) The costs of the summons and of all proceedings thereon shall be costs in the action, unless the judge otherwise directs. R.S.O. 1937, c. 107, s. 182 (7). Costs.

(9) If, after the examination, the judge dismisses the summons, no further judgment summons shall issue out of the same court against the judgment debtor at the suit of the same or any other creditor for a period of six months except upon an affidavit satisfying the judge that since the examination the party has acquired the means of paying or that he did not then make a full disclosure of his estate, effects and debts upon the examination. R.S.O. 1937, c. 107, s. 182 (8), *amended*. Party examined and discharged not to be again summoned.

131.—(1) A party who has examined a judgment debtor under a judgment summons may procure a show cause summons from the court out of which the judgment summons issued where the judgment creditor or his agent makes and files with the clerk of the court an affidavit deposing, Show cause summons.

- (a) the particulars of the judgment and the amount thereof that remains unsatisfied;
- (b) the particulars of the examination upon the judgment summons and of the order for payment that was made; and
- (c) that the judgment debtor is in default under the order for a period of not less than fourteen days and the particulars thereof.

Service.

(2) The summons shall be served personally upon the judgment debtor at least eight days before the return day and if he appears he may be examined upon oath as to his default under the order for payment.

Determination re default.

(3) At the hearing the judge shall determine whether the default under the order for payment has been wilful.

Where default wilful.

(4) Where the judge finds that the default has been wilful he may commit the judgment debtor under section 132 for contempt of court.

Where default not wilful.

(5) Where the judge finds that the default was not wilful the judgment debtor may be examined as upon a judgment summons and the judge may make an order accordingly.
New.

When judgment debtor may be committed to jail.

132. If the party summoned,

- (a) does not attend as required by the summons, or at any subsequent date to which the hearing or examination is adjourned, or give a sufficient reason for not attending; or
- (b) attends and refuses to be sworn or to answer such questions as in the opinion of the judge are proper,

or, if it appears to the judge, by the examination of the party or by other evidence, that he,

- (c) obtained credit from the judgment creditor or incurred the debt or liability under false pretences, or by means of fraud or breach of trust; or
- (d) has made or caused to be made any gift, delivery or transfer of any property, or has removed or concealed the same with intent to defraud his creditors or any of them; or
- (e) had, when or since judgment was obtained against him, sufficient means and ability to pay the debt or damages or costs recovered against him, either

SECTION 134 is new. It will remove doubts as to the proper practice to be followed on the enforcement of committal orders and will render the practice uniform, in many instances simply regularizing present established practice.

(The present section 185 has been dropped from the judgment summons provision, it being rendered meaningless by the dropping of subsection 2 of section 59 which became unnecessary by reason of the court's increased jurisdiction.)

altogether or by the instalments which the court, in which the judgment was obtained, ordered, without depriving himself or his family of the means of living, and that he has wilfully refused or neglected to make payment as ordered,

the judge may order him to be committed to the common jail of the county in which he resides or carries on business, for any period not exceeding forty days. R.S.O. 1937, c. 107, s. 183.

133. A party failing to attend in answer to a judgment summons or show cause summons shall not be liable to be committed for the default, unless the judge is satisfied that his non-attendance is wilful. R.S.O. 1937, c. 107, s. 184 (1), *amended*. When party may be committed for non-attendance.

134.—(1) Where a judge has ordered a judgment debtor to be committed to jail, the order shall be enforced by the bailiff unless the judge directs that the judgment debtor appear before him at a named time and place to explain his contempt in which case notice thereof shall be sent to the judgment debtor by registered post. Enforcement of committal order.

(2) Where the judgment debtor appears to explain his contempt, Appearance to explain contempt.

(a) if the judge is of opinion that the default was wilful he shall order the bailiff to enforce the warrant of commitment; and

(b) if the judge is of opinion that the default was not wilful he shall order the judgment debtor to attend for examination at the next sittings of the court to be held for the hearing of judgment summonses and in the event that the judgment debtor does not so attend the judge presiding at the sittings may order that he be forthwith committed to jail.

(3) Where the judgment debtor does not appear at the time and place named in the notice, the judge may direct that the warrant of commitment be enforced. *New.* Non-appearance to explain contempt.

135. Where at the hearing upon a judgment summons or show cause summons it appears to the judge by the examination of the party, or otherwise, that he ought not to have been summoned, or if the judgment creditor or his agent does not appear, the judge may award the party summoned compensation for his trouble and attendance, to be recovered against the judgment creditor in the same manner as a judgment of the court. R.S.O. 1937, c. 107, s. 184 (2), *amended*. Costs allowed him in certain cases.

Warrant of commitment.

136.—(1) Where an order of commitment has been made, the clerk shall issue, under the seal of the court, a warrant of commitment directed to the bailiff of any court within the county, upon which shall be endorsed a memorandum of the amount due under the judgment, and the bailiff may, by virtue of the warrant, take the party and deliver him to the keeper of the jail in which he has been directed to be imprisoned.

Constables, etc., to execute warrants.

(2) All constables and other peace officers within their respective jurisdictions shall aid in the execution of the warrant, and the keeper of the jail shall receive and keep the party therein until discharged under this Act, or otherwise, in due course of law. R.S.O. 1937, c. 107, s. 186.

When debtor in custody shall be discharged.

137. A party shall be discharged out of custody,

(a) by order of the judge; or

(b) at the expiration of the time prescribed in the warrant of commitment. R.S.O. 1937, c. 107, s. 187, *amended*.

Alteration of order for payment;

138.—(1) The judge may rescind or alter the order for payment made upon a judgment summons or show cause summons and make any further or other order for the payment of the debt or damages recovered and costs forthwith, or by instalments, or in any other manner that he thinks reasonable.

order of commitment.

(2) The judge may rescind or alter or stay the operation of any order of commitment made by him, whether or not it has been acted on. R.S.O. 1937, c. 107, s. 188, *amended*.

Examination of officer of company.

139.—(1) A party having an unsatisfied judgment against an incorporated company may issue a summons calling upon any officer of the company to attend before the judge and submit to examination as to the property and assets of the company and its dealings with them and if the person summoned fails to attend or to submit to examination he shall be liable to be committed to the common jail for any period not exceeding forty days.

Summons.

(2) The summons shall be issued and served as nearly as may be in the same manner as in the case of a summons to a judgment debtor. R.S.O. 1937, c. 107, s. 189.

Debt not to be extinguished by imprisonment.

140. Imprisonment under this Act shall not extinguish the judgment or affect any order for payment which has been made or protect the judgment debtor from being summoned anew and imprisoned for any new fraud or other default rendering him liable to be imprisoned, or deprive the judgment creditor of the right to execution on his judgment. R.S.O. 1937, c. 107, s. 190, *amended*.

SECTION 137 is altered so that unless the time has expired a judge must order the discharge.

Garnishee Proceedings.

SECTIONS 141 to 155. It would be difficult to compare the new provisions governing garnishee proceedings with the present provisions on a section-by-section basis. The new provisions are intended to be more comprehensive and general with fewer technicalities, resulting in a set of provisions more easily understood by those having occasion to use them and placing in the judge more general authority to see that an equitable result is reached in each case. Attention is drawn to the definition of "owing or accruing" in section 141, which is intended to end the present unsatisfactory situation that renders successful garnishee proceedings difficult of accomplishment where a garnishee co-operates with an unwilling debtor.

SECTIONS 141 to 150 are a self-contained code prescribing the procedure for garnishee where judgment has already been obtained, the process being termed a "direction to garnishee".

GARNISHEE PROCEEDINGS.

141. For the purposes of garnishee proceedings under this ^{Interpre-} Act, ^{tation.}

- (a) money which is earned or owing, although not yet due or payable, is deemed to be "owing or accruing"; and
- (b) a reference to the amount of the judgment creditor's judgment or the plaintiff's claim or words of like import is deemed to include the amount of costs which have been incurred. *New.*

142.—(1) After judgment has been recovered, the clerk ^{Garnishee} of the court in which the judgment was recovered or the clerk ^{after} of the court to which the judgment has been transcribed shall, upon the filing of an affidavit as required by subsection 2, issue a direction to garnishee directing that all debts owing or accruing to the judgment debtor be attached to satisfy the judgment. ^{judgment.}

(2) Upon the making of the application there shall be ^{Material on} filed with the clerk an affidavit stating, ^{application.}

- (a) the date and amount of the judgment and the amount remaining unsatisfied;
- (b) that the deponent has reason to believe that the person sought to be named as garnishee,
 - (i) resides or carries on business in the county where the court is located, and
 - (ii) is indebted to the judgment debtor;
- (c) where the judgment creditor intends to effect service of the direction by prepaid registered post, the address where the judgment debtor and garnishee reside or carry on business; and
- (d) where the judgment creditor seeks to obtain a direction to garnishee in respect of wages and without exemption, that the debt was incurred for board or lodging or that the judgment debtor is an unmarried person having no one dependent upon him for support.

(3) The direction to garnishee which shall be in the ^{Preparation} prescribed form and the affidavit used upon the application ^{of affidavit} therefor shall be prepared, ^{and} ^{direction.}

- (a) where the judgment creditor has a solicitor or agent, by the solicitor or agent; and
- (b) where the judgment creditor has not a solicitor or agent, by the judgment creditor or, if he so requests, by the clerk of the court. R.S.O. 1937, c. 107, s. 140, *amended*.

Notices
upon a
direction.

143. The following notices shall appear upon every direction to garnishee:

A

NOTICE TO GARNISHEE

Within ten days after the mailing to you or personal service upon you of this direction you are required to either,

- (a) pay to the clerk of the court the amount owing or accruing from you to the judgment debtor or sufficient thereof to satisfy the judgment of the judgment creditor including costs; or
- (b) file with the clerk of the court a statement signed by you stating,
 - (i) that at the time of the receipt by you of this direction to garnishee there was no money owing or accruing from you to the judgment debtor, and
 - (ii) where you rely upon a statutory or other defence or set-off, the particulars thereof.

Where an amount less than the amount of the judgment debt is paid to the clerk of the court, you are required to file with the clerk a statement signed by you in explanation thereof.

Upon your default in complying with the requirement above set out the judgment creditor may apply to the court for judgment against you, the garnishee, for an amount equal to the unpaid portion of his judgment against the judgment debtor and for his costs.

Where the amount sought to be garnished is wages this notice shall be read subject to the provisions of *The Wages Act*.

B

NOTICE TO JUDGMENT DEBTOR

At any time within ten days after the mailing to or personal service upon you of this direction you may dispute this direction to garnishee or any of the statements therein contained by filing with the clerk of the court a notice setting out the particulars of your dispute.

C

NOTICE TO ALL PARTIES TO THIS PROCEEDING

Any of the parties to this proceeding, that is to say, any judgment creditor, judgment debtor or garnishee, may in writing request the clerk of the court to place it upon the trial list in order that the rights of any such party may be determined.

New.

144.—(1) The direction to garnishee shall be served upon both the judgment debtor and the garnishee as soon as may be convenient, and in any event not more than fifteen days after its issue. Process of direction to garnishee.

(2) Service may be effected,

Method of service.

(a) by personal service; or

(b) by prepaid registered post mailed to each or either of them at the address set out in the affidavit referred to in section 142. *New.*

145. Service upon the garnishee of the direction to garnishee shall have the effect, subject to the rights of other persons, of attaching and binding in his hands all debts then owing or accruing from him to the judgment debtor and payment by the garnishee into court of the debt so attached to the extent to which the judgment is unsatisfied shall be to that extent a discharge of such debt. R.S.O. 1937, c. 107, s. 141 (1), *amended*. Effect of service.

146. Subject to any request for a hearing by a judge, money paid into court by a garnishee pursuant to a direction to garnishee shall, upon the filing with the clerk of an affidavit proving service upon the judgment debtor of the direction to garnishee, be paid out to the judgment creditor but no such payment to the judgment creditor shall be made until fifteen days after the date of such service. R.S.O. 1937, c. 107, s. 141 (2), *amended*. Payment out.

147. Payment by the garnishee after service on him of the direction to garnishee, otherwise than into court, except by leave of the judge, shall, to the extent of the judgment creditor's claim and costs, be void, and the garnishee shall be liable to again make payment, to the extent of the judgment creditor's claim, unless the judge otherwise orders. R.S.O. 1937, c. 107, s. 142, *amended*. Payment to any but primary creditor void.

148.—(1) Where any party requests the clerk in writing to place the proceeding upon the trial list, the clerk shall place it upon the list for the first court day in respect of which notice as herein required may be given and at least ten days prior to such day shall mail notice thereof by prepaid registered post to each of the parties to the proceeding. Hearing required.

(2) Upon the hearing, the judge shall determine the matter in a summary manner and make such order as he deems fit and where the garnishee has defaulted under the notice lettered A set out in section 143 he may give judgment in favour of the judgment creditor against the garnishee. Disposition at hearing.

Defences
of garnishee.

(3) Upon a hearing, in determining any question of liability as between the judgment debtor and the garnishee, the judge shall have regard to any statutory or other defence or set-off which has been set up by the garnishee. *New.*

Adverse
claims.

149. Where a person other than the judgment creditor or judgment debtor claims to be entitled to the debt owing or accruing from the garnishee or any part thereof by assignment or otherwise, the judge, after notice to all persons interested, may inquire into and decide upon the claim, and where there is more than one claim decide upon the priority in which the respective claims are entitled to rank on the debt as the justice of the case may require. R.S.O. 1937, c. 107, s. 154 (1), *amended.*

Costs where
garnishee
unsuccessful.

150. Where a direction to garnishee has been issued and no moneys are realized thereon the costs thereof shall not be costs against the judgment debtor unless the judge, who may give his direction upon an *ex parte* application, otherwise directs. *New.*

Garnishee
before
judgment.

151.—(1) Where a judgment has not been recovered a plaintiff in an action in which a debt or money demand summons may be issued may cause to be issued out of the court of the division in which the garnishees, or one of them if they are joint garnishees, reside or carry on business, a garnishee summons with the particulars of his claim against the defendant with reasonable certainty and detail attached thereto or endorsed thereon.

Summons
to be
deemed
debt or
money
demand
summons.

(2) As between the plaintiff and the defendant the garnishee summons shall be deemed a debt or money demand summons, and the provisions of this Act applicable to a debt or money demand summons and proceedings thereon shall apply.

Service of
summons.

(3) A copy of the garnishee summons and particulars shall be served on the defendant and on the garnishee in the manner provided for the service of a summons in other actions. R.S.O. 1937, c. 107, s. 147 (1, 2, 4), *amended.*

Form of
garnishee
summons.

152. A garnishee summons shall be in the same form as a summons to a defendant but,

(a) the name of the garnishee shall appear in the style of cause; and

(b) the following notice shall appear thereon:

SECTIONS 151 to 155 are likewise self-contained and provide for garnishee before judgment, the process being called a "garnishee summons".

NOTICE TO GARNISHEE

Within ten days of the service upon you of this summons you are required to either,

- (a) pay to the clerk of the court the amount owing or accruing from you to the defendant or sufficient thereof to satisfy the claim of the plaintiff including costs; or
- (b) file with the clerk of the court a statement signed by you stating,
 - (i) that at the time of the receipt by you of this summons there was no money owing or accruing from you to the defendant, and
 - (ii) where you rely upon a statutory or other defence or set-off, the particulars thereof.

Where an amount less than the amount of the judgment debt is paid to the clerk of the court, you are required to file with the clerk a statement signed by you in explanation thereof.

Upon your default in complying with the requirements above set out the plaintiff may apply to the court for judgment against you, the garnishee, for an amount equal to the unpaid portion of any judgment he may recover in this action against the defendant and for his costs.

New.

153. Service upon the garnishee of a garnishee summons shall have the same effect and consequence as service of a direction to garnishee. R.S.O. 1937, c. 107, s. 150, *amended*. Effect of summons.

154.—(1) Where judgment is obtained against the defendant under sections 88, 89 or 90, or is obtained at the trial, or where judgment is not then given, on proof of the service on the defendant of a copy of the garnishee summons and particulars, and of the debt due and owing by the defendant, the judge, on proof of the amount owing or accruing due to the defendant from the garnishee, may give judgment against the garnishee in the prescribed form for the amount so owing or accruing from him or sufficient thereof to satisfy the claim of the plaintiff and costs, which sum the garnishee shall pay into court towards the satisfaction of the claim and costs, and, in default, execution may issue therefor, if due, or as it becomes due, or at such later period as the judge may order. R.S.O. 1937, c. 107, s. 148. Judgment against garnishee.

(2) Where the garnishee in a statement signed by him and filed with the clerk of the court sets up a statutory or other defence or set-off, he shall be given notice of a hearing at which he may furnish proof of such defence or set-off before judgment is given against him. *New.* Hearing of garnishee.

155. Where a person other than the plaintiff or defendant claims to be entitled to the debt owing or accruing from the garnishee or any part thereof by assignment or otherwise, Adverse claims.

the judge, after notice to all persons interested, may inquire into and decide upon the claim and, where there is more than one claim, decide upon the priority in which the respective claims are entitled to rank on the debt as the justice of the case may require. R.S.O. 1937, c. 107, s. 154 (1), *amended*.

CONSOLIDATION ORDERS.

Application
for consoli-
dation order.

156.—(1) A judgment debtor against whom more than one division court judgment remains unsatisfied in whole or in part may apply to the judge of the court of the division in which he resides for a consolidation order.

Material on
application.

(2) Upon the application, the judgment debtor shall file his own affidavit setting forth,

- (a) the names and addresses of the creditors who have obtained judgment against him in a division court, the date, amount and other particulars of each judgment, and the amount that he owes to each such judgment creditor;
- (b) the amount of his income from all sources, naming them;
- (c) his business or occupation, and the address of his employer;
- (d) a statement of his family or like obligations and of any other relevant facts.

Disposition
ex parte or
upon notice.

(3) Upon the application the judge may make a consolidation order *ex parte* or may give such directions as to notice as he deems fit.

Computa-
tion of
amounts.

(4) Before making a consolidation order the judge shall determine the average weekly income of the judgment debtor for the three-month period immediately prior to the making of the application, making all proper allowances where the occupation is of a seasonal nature and shall order the following amounts, calculated to the nearest dollar, to be paid into court under the consolidation order, subject always to any variation which, because of extenuating or other special circumstances, the judge may deem proper,

- (a) fifteen per centum of the average weekly income where the average weekly income does not exceed \$30;
- (b) twenty per centum of the average weekly income where the average weekly income exceeds \$30 and does not exceed \$40;

Consolidation Orders.

SECTIONS 156 to 162. Provision for what are termed "Consolidation Orders" is here introduced to division court practice. The Barlow Report of 1939 and the Report of the Select Committee Appointed to Enquire into the Administration of Justice (1941) reported favourably upon somewhat similar procedures as represented by the Lacombe Law of Quebec and Manitoba's Orderly Payment of Debts Act. The proposal in this Bill is restricted to division court judgments. It is for the debtor to bring himself within its provisions and to keep himself within for the responsibility for making the payments required by the order is that of the debtor—not of his employer or anyone else.

SECTION 156 provides for application being made for an order and regulates, subject to certain discretionary powers on the judge's part, the portion of the debtor's income which shall be paid into court under the order.

SECTION 157. Filing of the order and copies in the division court where it is made as well as other division courts is provided for. So also is the opening of a consolidation account by the clerk.

SECTION 158. An objecting creditor is given an opportunity to be heard.

SECTION 159. Judgments obtained subsequent to an order may be added to it.

SECTIONS 160 and 161. A consolidation order effectively stays all garnishee proceedings and all other proceedings taken after judgment in every case in every division court in which the order or a certified copy of it is filed. That protection continues until twenty days after default occurs but the debtor may apply for an extension of the stay.

(c) twenty-five per centum of the average weekly income where the average weekly income exceeds \$40 and does not exceed \$50;

(d) thirty per centum of the average weekly income where the average weekly income exceeds \$50.

(5) A consolidation order shall set out,

Particulars
of order.

(a) a list of the division court judgments outstanding against the judgment debtor indicating in each case the date, court and amount and the amount still outstanding;

(b) the amounts to be paid into court by the judgment debtor under the consolidation order; and

(c) the times of such payments. *New.*

157.—(1) The original consolidation order shall be filed with the clerk of the court in which it is made and a copy thereof, certified by such clerk, may be filed by the judgment debtor in any other division court. Filing order
and copies.

(2) Upon the filing of the original consolidation order the clerk shall open a consolidation account in the name of the judgment debtor and shall credit thereto all payments made under the consolidation order. *New.* Consolida-
tion account.

158.—(1) Where any judgment creditor objects to the amount directed to be paid or to any other judgment creditor being included in the consolidation order, he may apply to the judge for an appointment to determine the matter. Objection
by creditor.

(2) Notice of the appointment shall be mailed by prepaid registered post to such persons as the judge may direct, and upon the appointment the judge shall deal with the matter in a summary manner, and his determination shall be final. *New.* Judge's
deter-
mination.

159. Where any person obtains a judgment after the date of the consolidation order, he may deliver to the clerk of the court in charge of the consolidation order a notice of his judgment and his name shall forthwith be added to the consolidation order, and he shall thereafter share in the distribution under the consolidation order. *New.* Judgment
after order.

160. A judgment debtor in respect of whom a consolidation order has been made may, either before default has occurred or not later than the tenth day after default has occurred, apply to the judge for a stay of proceedings and upon notice Stay of pro-
ceedings.

of the hearing being mailed to all judgment creditors, or such of them as the judge may direct, by prepaid registered post the judge shall hear the application and may by order grant such stay of proceedings as he deems fit or may dismiss the application. *New.*

Effect of
order.

161.—(1) Subject to subsection 2, no garnishee summons and no proceedings subsequent to judgment shall be taken or continued against the judgment debtor named therein in a division court in which a consolidation order or a certified copy thereof is filed.

Default.

(2) Where a judgment debtor is in default under a consolidation order for a period of twenty days the consolidation order shall, subject to any order under section 160 which may have been made prior to such date, be *ipso facto* terminated and any judgment creditor named in the consolidation order may obtain from the clerk of the court in which the consolidation order was made a certificate of termination for the purpose of filing it in any court in which a copy of the consolidation order is filed. *New.*

Property
in moneys.

162.—(1) All moneys paid to a consolidation account shall belong to the judgment creditors named in the consolidation order who shall share *pro rata* in the distribution of the moneys.

Distribution.

(2) The clerk shall distribute the moneys paid into the consolidation account on account of the judgments at least once every three months, and at the time of distribution shall send to each creditor a distribution sheet showing the total amount paid, and the distribution thereof.

Basis of
distribution.

(3) The distribution shall be on a *pro rata* basis according to the amount of each of the judgments filed with the clerk, or as nearly so as is practicable to the nearest dollar.

Fees of
clerk.

(4) The clerk shall be entitled to a fee of ten per centum of the amount paid in of which amount five per centum shall be charged to the judgment creditors and five per centum to the judgment debtor.

Excise
stamps;
postage.

(5) The amount of excise stamps and postage shall be deducted from the amounts paid to the judgment creditors.

ABSCONDING DEBTORS.

Warrant for
attachment.

163. Where a person indebted in a sum not less than \$4, either for debt or damages arising upon a contract, and recoverable in or upon a judgment of a division court,

SECTION 162 provides for the division and distribution of the moneys paid in under a consolidation order.

SECTIONS 163 to 177, which provide for the taking of proceedings against absconding debtors, are the same as the present provisions.

- (a) absconds from Ontario, leaving personal property liable to seizure under execution for debt in any county; or
- (b) attempts to remove such personal property out of Ontario or from one county to another therein with intent to defraud; or
- (c) keeps concealed to avoid service of process,

the clerk of any division court, upon the application of the creditor, and upon his filing an affidavit in the prescribed form made by him, his agent or servant, shall issue a warrant in the prescribed form, directed to the bailiff of the court from which the same issued, or to a constable of the county, commanding him to attach, seize, take and safely keep all the personal estate and effects of such person within the county, liable to seizure under execution for debt, or a sufficient part thereof to secure the sum mentioned in the warrant with costs, and to return the warrant forthwith to the court. R.S.O. 1937, c. 107, s. 192.

164. The affidavit in section 163 mentioned may be taken before a judge or a justice of the peace, and, upon the filing thereof with him, he may issue a warrant under his hand and seal in the form mentioned in section 163, and he shall forthwith transmit the affidavit to the clerk of the court within whose division the same was taken, to be by him filed. R.S.O. 1937, c. 107, s. 193.

When county judge or justice of the peace may issue attachments, etc.

165. Upon receipt of a warrant by the bailiff or constable, and upon being paid his lawful fees, including the fees for appraisalment, he shall forthwith execute the warrant, and make a true inventory of all the estate and effects which he seizes and takes by virtue thereof, and shall, within twenty-four hours after seizure, call to his aid two freeholders, who, being first sworn by him to appraise the estate and effects seized, shall then appraise the same, and the bailiff or constable shall forthwith return the inventory attached to the appraisalment to the clerk. R.S.O. 1937, c. 107, s. 194.

Bailiff or constable to seize and make inventory.

166. In an action commenced by attachment the proceedings may be conducted to judgment and execution in the court of the division within which the warrant issued. R.S.O. 1937, c. 107, s. 195.

Proceedings may be continued in same court.

167. Where proceedings have been commenced before the issue of an attachment they may be continued to judgment and execution in the court in which the proceedings were commenced. R.S.O. 1937, c. 107, s. 196.

Proceedings commenced before attachment.

Property attached may be sold under execution.

168. The property attached upon a warrant of attachment shall be liable to seizure and sale under the execution to be issued upon the judgment, and if the property was perishable and has been sold, the proceeds thereof shall be applied in satisfaction of the judgment. R.S.O. 1937, c. 107, s. 197.

Plaintiff not to divide cause of action.

169. A plaintiff shall not divide a cause of action into two or more actions for the purpose of bringing the same within the provisions of sections 163 to 168, but a plaintiff having a cause of action for which, but for the amount of the claim, an attachment might be issued may abandon the excess, and the judgment shall be a full discharge of all demands in respect of the cause of action, and the entry of judgment shall be made accordingly. R.S.O. 1937, c. 107, s. 198.

If several attachments issued. Rev. Stat., c. 127.

170. Subject to *The Absconding Debtors Act*, where there are several attachments against a party, the proceeds of the property attached shall not be paid over to the attaching creditors according to priority, but shall be rateably distributed among such of them as obtain judgment against the debtor, in proportion to the amounts actually due upon their judgments, and no distribution shall take place until, in the opinion of the judge, reasonable time has been allowed to the creditors to proceed to judgment. R.S.O. 1937, c. 107, s. 199.

If goods insufficient to satisfy claims of all attaching creditors.

171. Where the proceeds of the property are insufficient to satisfy the claims of all the attaching creditors, a creditor shall not be allowed to share, unless he sued out his attachment and gave notice thereof to the clerk of the court out of which the first attachment issued or into which it was returnable, within one month next after the issue of the first attachment. R.S.O. 1937, c. 107, s. 200.

Goods seized by constable to be delivered to bailiff.

172.—(1) Where property is attached under sections 163 to 171 by a constable, it shall be forthwith handed over to the bailiff of the court out of which the warrant of attachment issued, or into which it was made returnable.

Custody of goods seized under attachment.

(2) Property attached by a bailiff under sections 163 to 171, and the property delivered to him under subsection 1, shall remain in custody of the bailiff, and he shall keep it until disposed of according to law. R.S.O. 1937, c. 107, s. 201.

On what terms goods attached may be restored.

173.—(1) Where a person against whom an attachment has issued, or any person on his behalf, executes and files in the court to which the attachment, or first attachment if there are more than one, has been returned, or is returnable, a bond

with good and sufficient sureties, to be approved by the judge or clerk, binding the obligors, jointly and severally, to the clerk, in double the appraised value of the property attached, with a condition that the debtor (naming him) will, whenever thereunto required by order of the judge, pay into court a sum sufficient to satisfy the claims of all creditors who may be entitled to share in the proceeds of the property or the value of the property attached, or will produce the property to satisfy the judgments, the clerk may supersede the attachment, and the property attached shall be restored.

(2) Subject to section 170, if, within one month after the property has been attached, the person against whom the attachment has issued, or some person on his behalf, does not appear and give such bond, execution may issue as soon as judgment has been recovered and the property attached, or so much thereof as may be necessary to satisfy the judgment and costs, may be sold for the satisfaction thereof, or if the property has been previously sold as perishable so much of the proceeds thereof as may be necessary may be applied to satisfy the judgment and costs. R.S.O. 1937, c. 107, s. 202.

Sale of goods if the debtor does not appear and give security.

Perishable goods.

174.—(1) Where a summons has not been served before the issue of a warrant of attachment, it may be served personally or by leaving a copy at the last place of abode or business of the defendant with any grown person residing there, or by leaving the copy at such place if no grown person be there found.

Proceedings against debtors where process not previously served.

(2) If it appears to the judge at the trial that the creditor who sued out an attachment had not reasonable or probable cause for taking the proceedings, the judge shall order that no costs be allowed to the creditor. R.S.O. 1937, c. 107, s. 203.

Costs.

175. Subject to *The Absconding Debtors Act*, where perishable property has been attached, the bailiff who has the custody thereof, the same having been first appraised, may, at the request of the attaching creditor, expose and sell the same at public auction to the highest bidder, giving at least eight days' notice at the office of the clerk and at two other public places within his division, of the time and place of sale, if the property attached will admit of being so long kept, otherwise he may sell the same at his discretion. R.S.O. 1937, c. 107, s. 204.

Perishable goods, how disposed of.

Rev. Stat., c. 127.

176.—(1) It shall not be compulsory upon the bailiff or constable to attach, or upon the bailiff to sell perishable property until the attaching creditor has given a bond to the defendant, with good and sufficient sureties to the satisfaction

Creditors may be required to indemnify the defendant.

of the bailiff, in double the amount of the appraised value of the property, conditioned that the attaching creditor will repay the value thereof, together with all costs and damages incurred in consequence of the attachment and sale in case judgment be not obtained by him, and the bond shall be filed with the clerk.

Application
of proceeds
of sale.

(2) The money made shall be paid over by the bailiff to the clerk, to be dealt with in the manner hereinbefore provided. R.S.O. 1937, c. 107, s. 205.

Enforcing
security
given
under Act.

177.—(1) A bond given in the course of any proceeding under this Act may be sued on in any division court of the county wherein the same was executed, notwithstanding that the penalty in the bond exceeded the sum of \$100.

Delivery of
bond to
party
entitled.

(2) The bond shall be delivered to any person entitled to it, upon the order of the judge, to be enforced or cancelled as the case may require. R.S.O. 1937, c. 107, s. 206.

CLAIMS OF LANDLORDS AND OTHERS WITH RESPECT TO GOODS SEIZED.

Interpre-
tation.

178. In this section and in sections 179 and 180,

(a) “agent” means any person usually employed by the landlord in the letting of land or in the collection of the rents thereof, or specially authorized by writing under the hand of the landlord to act in any particular matter; and

(b) “landlord” includes the person entitled to the immediate reversion of land, or, if it be held in joint tenancy, coparcenary or tenancy in common, any one of the persons entitled to the reversion. R.S.O. 1937, c. 107, s. 207.

Adjustment
of claims of
landlords,
etc., to goods
seized in
execution.

Rev. Stat.,
c. 127.

179.—(1) Where a claim is made to or in respect of property or security taken in execution or attached under the process of a division court, or the proceeds or value thereof, by a landlord for rent, or by a person other than the party against whom the process issued, then, subject to *The Absconding Debtors Act*, upon application of the bailiff or officer charged with the execution of the process, either before or after an action has been brought against him, the clerk shall issue a summons calling before the court out of which the process issued, or the court for the division in which the seizure or attachment under the process was made, the party who issued the process and the person making the claim, and there-

SECTIONS 178 to 180, which relate to claims of landlords and others in respect of goods seized, are the same as the present provisions.

upon any action which has been brought in the Supreme Court or in any other court in respect of the claim, shall be stayed.

(2) The court in which the action has been brought, or a judge thereof, on proof of the issue of the summons, and that the property or security was taken in execution or upon attachment, may order the party bringing the action to pay the costs of all proceedings had in the action after the issue of the summons out of the division court. Costs.

(3) The judge shall adjudicate upon the claim, and make such order between the parties in respect thereof, and of the costs of the proceedings as to him may seem just, and shall also adjudicate between the parties, or either of them, and the bailiff or officer in respect of any claim for damages arising out of the execution of the process by the bailiff or officer, although the amount of the damages claimed or awarded is beyond the jurisdiction of a division court, and may make such order in respect thereof, and of the costs of any proceedings as to him may seem just. County judge to adjudicate on claims.

(4) The order may be enforced in like manner as an order made in an action. Enforcing order.

(5) The judge, upon the application of the execution or attaching creditor or the claimant, or the bailiff or officer, may grant a new trial as in other cases, and may in the meantime stay proceedings. New trial.

(6) Where the bailiff or officer has executions or attachments for different persons against the same property it shall not be necessary to make a separate application on each execution or attachment; but he may use the names of the execution or attaching creditors collectively, in the application, and the summons may issue in the name of the creditors as plaintiffs. Where more than one execution or attachment has issued.

(7) The parties and the bailiff or officer shall have the same rights of defence and counter-claim, including in all cases the right and liability to costs, as would exist had an action, within the jurisdiction of the court, been brought to recover the damages. R.S.O. 1937, c. 107, s. 208. Rights of parties as to defence and as to costs.

180.—(1) The landlord of a tenement in or upon which property is taken under an execution, may, by notice in writing, signed by himself or his agent, stating the terms of the holding and the rent payable, delivered to the bailiff or officer making the levy, claim any rent due and in arrear at the time of the taking in execution not exceeding the rent of four weeks where the tenement has been let by the week, and not exceed- Provisions in relation to rents due to landlords.

ing the rent for two terms of payment where the tenement has been let for any other term less than a year, and not exceeding in any case the rent for one year.

Notice of
claim for
rent.

(2) Notice of the claim may be given at any time before the return of the process, notwithstanding that the property may in the meantime have been removed from the premises upon which it was seized and where the property of a tenant is sold within ten days after seizure, the money realized shall remain in court until the expiration of the ten days to answer the claim of the landlord, and where the money has been paid into court the notice may be directed to the clerk with like effect as if given to the bailiff or officer, before the sale of the property seized.

How the
bailiff is to
proceed.

(3) The bailiff or officer making the levy shall also distrain for the amount of the rent claimed, and the costs of the distress, but shall not sell the property, or any part thereof, until after the expiration of eight days after the distress.

Fees of
bailiff in
such cases.
Rev. Stat.,
c. 122.

(4) For every distress for rent in arrear the bailiff or officer shall be entitled to have as costs of the distress, instead of the fees allowed by this Act, the fees allowed by *The Costs of Distress Act*.

Sale where
replevin
made.

(5) If any replevin is made of the property distrained, so much of the property taken under the execution shall be sold as will satisfy the money and costs for which the execution issued and the costs of the sale, and the surplus of the sale, if any, and the property so distrained shall be returned as in other cases of distress for rent and replevin.

Priority of
landlord's
claim.

(6) An execution creditor shall not have his debt satisfied out of the proceeds of the execution and distress, or of the execution only, where the tenant replevies, until the landlord who conforms to this Act has been paid the rent in arrear for the periods hereinbefore mentioned. R.S.O. 1937, c. 107, s. 209.

PARTNERSHIPS AND SPECIAL NAMES.

One or more
of persons
jointly liable
may be sued.

181.—(1) In case of a debt or demand against two or more persons, partners in trade or otherwise jointly liable, who reside in different divisions, or of whom one or more cannot be found, one or more of such persons may be sued or served with process, and judgment may be obtained and execution issued against him or them, notwithstanding that others jointly liable have been sued or served without prejudice to the right of the person against whom execution issues to demand contribution from any other person jointly liable with him.

SECTIONS 181 to 184, which are headed "Partnerships and Special Names" are the same sections appearing much closer to the commencement of the present Act under the heading "Partners". In their present location they complicate the arrangement and reading of the Act for although located in that part of the Act which is inclined to deal with procedure before trial, the "Partners" provisions deal with all aspects of actions against partners and persons carrying on business under names other than their own, both before and after judgment.

The placing of the group of sections in this location in the Act, while retaining the special provisions relating to partnership and special names in a convenient and compact group, removes them from a position in the Act where their inclusion renders the arrangement of the Act confusing.

There is only one change from the present provisions and that is inclusion of the words "Subject to *The Partnership Registration Act*" in subsection 1 of section 184, there being a requirement in that statute for registration as a condition precedent to the use of the courts for certain purposes.

(2) Where a judgment has been obtained against one or more of several partners under subsection 1, and the judge certifies that the demand proved was a partnership transaction, the bailiff may, under the execution, seize and sell the property of the firm, as well as that of any defendant who has been served. Bailiff may seize property of firm on certificate of judge.

(3) Two or more persons claiming or being liable as co-partners may sue or be sued in the name of the firm of which such persons were co-partners at the time of the accruing of the cause of action. Services on parties added.

(4) Where partners are sued in the name of the firm, the summons may be served on one or more of them or at the principal place within Ontario of the business of the partnership or upon any person having control of the partnership business there and, subject to subsections 6 and 7, such service shall be deemed good service upon the firm, and the affidavit of the service of the summons shall state the name of the person served. Partners sued in name of firm.

(5) Any party may, at any time before or after judgment, apply for an order directing a statement of the names and addresses of the persons who are co-partners in any firm which is a party to the action by the firm name, to be furnished in such manner as the judge may direct. Order to furnish names and addresses.

(6) In the case of a partnership which to the knowledge of the plaintiff has been dissolved before action the summons shall be served upon every person within Ontario sought to be made liable. When partnership dissolved.

(7) Where a summons is issued against a firm and is served as directed by this section, every person upon whom it is served shall be informed by notice given at the time of service whether he is served as a partner or as a person having control or management of the partnership business or in both characters, and in default of such notice the person served shall be deemed to be served as a partner. Notice of capacity in which person served.

(8) Debts owing from a firm carrying on business within Ontario may be attached although one or more members of the firm may be resident out of Ontario, provided that some person having the control or management of the partnership business or a member of the firm within Ontario is served with the attaching order. R.S.O. 1937, c. 107, s. 85. Attachment of debts due by firm.

182.—(1) Where a judgment is against a firm, subject to section 183, execution may issue against the property of, Execution against partners.

- (a) the partnership;
- (b) any person who has admitted in the notice of dispute or defence filed that he is a partner, or who has been adjudged a partner;
- (c) any person who has been individually served as a partner with a copy of the summons and who has not filed a notice of dispute or defence.

Leave to
issue
execution
against
other
members.

(2) If the party who has obtained a judgment claims to be entitled to issue execution against any other person as being a member of the firm, he may apply for leave to do so, and the judge may give such leave if the liability be not disputed, or, if disputed, after the liability has been determined in such manner as he may direct. R.S.O. 1937, c. 107, s. 86.

Effect of
judgment
against firm.

183. Except as against the property of the partnership, a judgment against a firm shall not render liable, release, or otherwise affect any member thereof who was out of Ontario when the summons was issued, and who has not entered a defence to the action, unless he has been made a party under section 85 or has been served within Ontario after the summons was issued. R.S.O. 1937, c. 107; s. 87.

Persons
carrying on
business in
Ontario
under
another
name.

184.—(1) Subject to *The Partnership Registration Act*, a person, whether or not a British subject, and whether residing in or out of Ontario, carrying on business within Ontario under a name or style other than his own name, may sue and be sued in such name or style. R.S.O. 1937, c. 107, s. 88 (1); 1949, c. 29, s. 2, *amended*.

Leave not
required.

(2) Leave shall not be necessary to issue the summons.

Service of
summons.

(3) The summons may be served upon the person so carrying on business if he be within Ontario, or at his place of business within Ontario, or, if there are several such places at the place in or nearest to the county in which the cause of action arose, upon any person having the control or management of the business there, and such service shall be equivalent to personal service on the person so sued.

Notice of
character in
which person
served.

(4) The person upon whom the summons is served shall be informed by notice given at the time of service whether he is served as the person carrying on the business or as the person having the control or management of it or in both characters, and in default of such notice he shall be deemed to be served as the person carrying on the business.

Procuring
name and
address of
person
carrying on
business.

(5) Any party may, at any time before or after judgment, apply for an order directing a statement of the name and

Juries.

SECTIONS 185 to 196. Except for regrouping and renumbering and the following changes, these sections are the same as sections 124 to 137 of the present Act,—

- (a) Section 134 of the present Act, which becomes section 192, provides in subsection 3 for a fee of 10 cents per day for jurors who are summoned from the body of the court. The provision is dropped so that jurors so summoned will be paid according to the rules which apply to jurors summoned in the ordinary way.
- (b) The purpose of the present section 137 is two-fold because it provides for the collection of jury fees from the plaintiff in every action entered in a Division Court (except in the districts) and also provides for the payment of jurors. The final subsection provides "this section shall not apply to a provisional judicial district", with the result that not only are jury fees not collected from plaintiffs in Division Court actions in the districts but also there is no provision in the districts for the payment of a fee to a juror unless he is summoned from the body of the court, in which case he is entitled to a fee of 10 cents per day payable by the unsuccessful party to the action. The present section 137 appears in the Bill as sections 195 and 196. The principle of collecting jury fees from plaintiffs only in the counties is continued but provision is made for the payment of fees to jurors both in the counties and in the districts. In the districts the cost will be borne by the Province.
- (c) In subsection 2 of section 196 of this Bill "31st day of January" replaces "15th day of January" in line with other provisions relating to returns to be made by clerks.

address of the person who is, and of the person who at the time of the accruing of the cause of action was, carrying on business under such name or style to be furnished in such manner as the judge may direct.

(6) The person so sued shall enter a dispute in his own name, but all subsequent proceedings shall continue in such name or style. Person served to appear in his own name.

(7) A person served as the person carrying on the business may enter a defence under protest, denying that he is the person so carrying on the business, but such defence shall not preclude the plaintiff from otherwise serving the person sued or from obtaining judgment in default of defence in the ordinary form by the person so sued. Defence under protest.

(8) Where a summons is served under subsection 3 on a person having the control or management of but not carrying on the business, a dispute by him shall not be necessary. When person served is not carrying on the business.

(9) A judgment or order in the action may be enforced by execution against, Enforcement of judgment, what property exigitible.

(a) the property of the person so sued, used or employed in or in connection with the business; and

(b) the property within Ontario of the person so sued if he has entered a defence in the action, or has been adjudged to be the person carrying on the business or has been personally served with the summons within Ontario and has failed to enter a defence.

(10) If the person so sued has not entered a dispute or has not been personally served, or has not been adjudged to be the person carrying on the business, the plaintiff may apply for leave to issue execution against the person within Ontario whom the plaintiff alleges to be the person carrying on the business, and the judge may give such leave if the liability be not disputed, or, if disputed, after the liability has been determined in such manner as the judge may direct. Issuing execution against person alleged to be carrying on the business.
R.S.O. 1937, c. 107, s. 88 (2-10).

JURIES.

185.—(1) Either party may require a jury in any class of action where the amount sought to be recovered exceeds \$50. When a jury may be required.
R.S.O. 1937, c. 107, s. 124.

(2) Where the plaintiff requires a jury, he shall give notice thereof to the clerk one week before the sittings of the court at which the action is to be tried, and deposit with him the Notice to clerk.

proper fees for the expenses attending the summoning of the jury; and where a claimant or a defendant requires a jury, he shall, within five days after the day of service of the summons on him, give to the clerk the like notice, and deposit with him the proper fees, and thereupon, in either case, a jury shall be summoned.

When an action
is transferred.

(3) In an action transferred from one court to another, either party may require a jury to be summoned by giving to the clerk of the court to which the action has been transferred, three clear days before the sittings of the court at which the case is to be tried, a notice requiring a jury to be summoned, and depositing with him the proper fees for the expenses attending the summoning of the jury. R.S.O. 1937, c. 107, s. 125.

Who liable
to be jurors.

Rev. Stat.,
c. 108.

186.—(1) Unless exempted by *The Jurors' Act*, every person whose name appears on the last revised voters' list of a municipality partly or wholly within the division who resides therein, and whose name is marked "J", shall be liable to serve as a juror for the court of such division. R.S.O. 1937, c. 107, s. 126.

From whom
selected.

(2) The jurors shall be residents of the division and shall be selected from the last revised voters' list of the municipalities partly or wholly within the division.

Manner of
selection.

(3) Where there has been no previous selection of jurors the manner of selecting them shall be as follows:

(a) The clerk shall begin with the name of the first qualified person on the list of the municipality and proceed with the selection by taking the names in rotation until the requisite number has been selected.

(b) Where there are several municipalities the clerk shall begin with the name of the first qualified person on the list of the municipality in which the court is held, taking one name from the list, and then shall take one name from each of the lists of the other municipalities in rotation, beginning with that list which contains the greatest number of names of qualified persons, and shall repeat the same process until the requisite number has been selected.

Where there
has been
previous
selection.

(4) Where there has been a previous selection of jurors the clerk shall proceed as provided by subsection 3, except that he shall begin where he left off at the next preceding selection, or in the case of a new list as nearly as may be at the place which corresponds with the place where he left off at the previous selection.

(5) If it appears to the judge that the cost of summoning a jury is excessive, by reason of the residences of the persons liable to be selected being in a distant portion of the division, he may direct the clerk to begin with the name of the first qualified person on the list of any municipality partly or wholly within the division, and proceed as in subsection 3. Where cost of summoning excessive.

(6) Where a municipality, partly or wholly within the division, is a party, and the jury would, if selected in ordinary course, be composed of ratepayers of the municipality, the judge, upon the application of any party, may direct the clerk not to select any juror from the list of the municipality, or may before or at the trial direct that the issues shall be tried and damages be assessed without a jury. R.S.O. 1937, c. 107, s. 127. Where municipality is a party.

(7) This section shall not apply in a provisional judicial district. R.S.O. 1937, c. 107, s. 128. Application of section.

187. Where a jury is required to be summoned, the clerk shall cause not less than twelve of the persons liable to serve as jurors to be summoned, and the summons shall be served at least two days before the court, either personally or by leaving the same with a grown-up person at the residence of the juror, and the summons shall be returned to the clerk with an affidavit of service of the bailiff serving the same. R.S.O. 1937, c. 107, s. 129. Summoning jurors.

188. Each party shall be entitled to challenge two jurors peremptorily and any juror for cause. R.S.O. 1937, c. 107, s. 130. Parties entitled to challenge.

189. A juror who, after being duly summoned, wilfully neglects or refuses to attend, shall be liable to a fine, in the discretion of the judge, of not more than \$4, which shall be levied and collected, with costs, by the same process as a judgment recovered in the court. R.S.O. 1937, c. 107, s. 131. Penalty on jurors disobeying summons.

190.—(1) Actions to be heard by the judge alone shall be set down in a list separate from the list of those to be tried by a jury, to be severally called "The Judge's List", and "The Jury List", and actions shall be set down in the order in which they were entered with the clerk. Judge's list and jury list.

(2) "The Jury List" shall be disposed of first, unless the judge otherwise directs. R.S.O. 1937, c. 107, s. 132. Jury list to be first.

191. Five jurors shall be empanelled and sworn to do justice between the parties whose cause they are required to try, according to the best of their skill and ability, and to give a true verdict according to the evidence, and the verdict of every jury shall be unanimous. R.S.O. 1937, c. 107, s. 133. Five jurors to be empanelled, etc.

Judge may
call tales.

192.—(1) If the panel is exhausted, the judge may direct the clerk to summon from the body of the court a sufficient number of disinterested persons to make up a full jury, and any person so summoned may, saving all lawful exceptions and rights of challenge, act as a juror.

Judge may
order jury
to be em-
panelled to
try any
disputed
fact.

(2) Where the judge thinks it proper to have the action or any controverted fact tried by a jury, the clerk shall instantly return a jury of five disinterested persons present to try the same, and the judge may give judgment on the verdict of the jury. R.S.O. 1937, c. 107, s. 134 (1, 2).

Judge may
discharge
jury not
agreeing,
etc.

193. If the judge is satisfied that a jury after having been out a reasonable time cannot agree upon their verdict, he may discharge them and adjourn the trial, and order the clerk to summon a new jury for the next sittings, unless the parties consent that the judge may give judgment on the evidence already taken, in which case he may give judgment accordingly. R.S.O. 1937, c. 107, s. 135.

Power to
direct non-
suit or dis-
miss action.

194.—(1) In all cases of trial by jury the judge shall have power to determine, after hearing the whole evidence or the evidence adduced on behalf of the plaintiff alone, whether there is any evidence in support of the plaintiff's case which ought to be submitted to the jury, and if in his opinion there is no such evidence, he may then, or after verdict, if he has reserved his decision, direct a nonsuit or dismiss the action.

Submitting
questions to
jury.

(2) The judge may direct the jury to answer any questions of fact stated to them by him and the jury shall answer them, and, subject to subsection 1, upon their answers the judge shall enter such judgment as in his opinion may be proper.

Duty of
judge.

(3) The judge shall determine the law and direct the jury thereon.

Idem.

(4) When in the opinion of the judge the action is one that ought to be tried without a jury, the judge shall have power to direct that the action be taken out of their hands.

Idem.

(5) Where in the opinion of the judge the jury notice is given for the purpose of delay he may strike it out on a summary application. R.S.O. 1937, c. 107, s. 136.

Fees of
jurors.

195.—(1) The clerk shall pay each of the five jurors empanelled and sworn the sum of \$3, and the further sum of ten cents per mile for every mile in excess of two miles necessarily travelled from his place of residence to the place at which the court is held, and to each of the jurors not empanelled, but who attend during the sittings of the court in which they

have been summoned and who do not attend as witnesses or litigants, the sum of \$1.50, and the further sum of ten cents per mile in excess of two miles necessarily travelled from his place of residence, but the judge shall have the power to increase or reduce the fee for the jurors not empanelled.

(2) Payments made under this section shall be certified to by the judge and the treasurer of the county, or in the case of a provisional judicial district the Treasurer of Ontario, shall upon presentation of the certificate pay to the clerk the amount which the certificate shows to have been paid to the jurors. R.S.O. 1937, c. 107, s. 137 (5, 6), *amended*.
Certifying payment of jurors and refund to clerk.

196.—(1) There shall be paid to the clerk on every action originally entered in his court, in addition to all costs or jury fees payable, Fees for jury fund.

(a) where the claim exceeds \$20 but does not exceed \$60—three cents;

(b) where the claim exceeds \$60 but does not exceed \$100,—six cents;

(c) where the claim exceeds \$100—twenty-five cents,

and the same shall be taxed and allowed as costs in the cause.

(2) On or before the 15th day of January in every year, the clerk shall return to the treasurer of the county a statement under oath showing the number of actions originally entered in his court during the previous year, in which the claim exceeded \$20 but did not exceed \$60, the number in which the claim exceeded \$60 but did not exceed \$100, and the number in which the claim exceeded \$100. Return.

(3) The clerk shall, with the statement, pay over to the treasurer the fees payable under this section; and the treasurer shall keep an account of all money so received by him under the head of "Division Court Jury Fund". Fees to be paid to county treasurer.

(4) In the case of cities and towns separated from the county, the amounts paid in by the clerks and the amount paid by the county treasurer to the clerks for jury fees shall be taken into account in settling the proportion of the charges to be paid by the city or town towards the cost of administration of justice. R.S.O. 1937, c. 107, s. 137 (1-4). Other cities and separate towns.

(5) This section shall not apply to a provisional judicial district. R.S.O. 1937, c. 107, s. 137 (7). Provisional judicial district.

GENERAL.

Duties of
Inspector.

197.—(1) The Inspector shall,

- (a) make a personal inspection of every division court and of the books and papers thereof;
- (b) see that the proper books are provided, that they are in good order and condition, that the proper entries and records are made therein in a correct manner, at a suitable time and in proper form and order, and that the papers and documents are properly classified and preserved;
- (c) see that the duties of the officers of the courts are efficiently performed and that the office is at all times duly attended by the clerk;
- (d) see that lawful fees only are taxed or allowed as costs;
- (e) see that proper security is furnished and maintained on behalf of every clerk and bailiff;
- (f) when authorized by the Lieutenant-Governor in Council so to do, direct that any papers or documents which it is unnecessary to preserve be destroyed; and
- (g) report upon all such matters to the Lieutenant-Governor.

Delegation
of authority
by inspector.

(2) The Inspector, with the approval of the Lieutenant-Governor in Council, may delegate to any clerk or officer in his office any power or duty conferred or imposed upon the Inspector under this Act, and for such purpose every such person shall have and may exercise all the powers of the Inspector. R.S.O. 1937, c. 107, s. 47.

Power of
Inspector
in making
inquiry into
conduct of
officers.

198. Where the Inspector considers it expedient to institute an inquiry into the conduct of a clerk or bailiff he may require him and any other person to give evidence on oath, and for that purpose shall have the same power as any court has in civil cases to summon such officer or other person to attend as a witness, to enforce his attendance and to compel him to produce books and documents, and to give evidence. R.S.O. 1937, c. 107, s. 48.

Contempt
of court.

199. Every person who wilfully insults the judge or any officer of a division court during his sitting or attendance in court, or interrupts the proceedings of the court, or creates a disturbance within the court-room or within hearing of the court, shall be guilty of an offence and any bailiff or officer of

SECTIONS 197 and 198. The group of sections under the heading "Inspection" appearing much nearer to the commencement of the present Act has been broken up. Sections which relate to the duties of clerks and bailiffs rather than to "Inspection" are incorporated in the "Clerks and Bailiffs" group in this Act while the two sections which do relate to Inspection are included in this group of miscellaneous sections under the heading "General".

SECTIONS 199 to 206 contain no departure from the present corresponding provisions and, with the exception of the last two which appear earlier in the present Act, their position in the Act is approximately the same.

the court may, by direction of the judge, take the offender into custody and bring him before the judge, and the judge may impose upon him a fine of not more than \$20, and in default of immediate payment may, by warrant under his hand and seal, commit the offender to the common jail of the county for a period of not more than one month, unless the fine and costs with the expense attending the commitment are sooner paid. R.S.O. 1937, c. 107, s. 210.

200.—(1) Every person who interferes with a bailiff or officer or his deputy or assistant, while in the execution of his duty, or makes or attempts to rescue any property seized or attached under process of the court, shall be guilty of an offence and liable to a penalty of not more than \$20, to be recovered by order of the court or on summary conviction before a justice of the peace, and shall also be liable to be imprisoned, by order of the court or justice, for any term of not more than three months. Resisting officers.

(2) The bailiff or officer, or any peace officer, may take the offender into custody, with or without warrant and bring him before the court of justice. Arrest of offender. R.S.O. 1937, c. 107, s. 211.

201. A fine imposed by the judge under this Act may be enforced by his order in like manner as a judgment. Enforcing payment of fines. R.S.O. 1937, c. 107, s. 215.

202. A levy or distress by virtue of this Act shall not be deemed unlawful, or the person making the same be deemed a trespasser, on account of any defect or want of form in any proceeding relating thereto, nor shall the person levying or distraining be deemed a trespasser from the beginning, on account of any irregularity afterwards committed by him; but the person aggrieved by the irregularity may recover full satisfaction for the special damage sustained by him. Distress not to be deemed unlawful or persons making it trespassers by reason of defect in proceedings. R.S.O. 1937, c. 107, s. 216.

203.—(1) In cases not expressly provided for by this Act or by the rules, the judge may, in his discretion, adopt and apply the general principles of practice in the Supreme Court to actions and proceedings in the division courts. Where practice of the Supreme Court to apply.

(2) Nothing herein contained shall authorize the taxation or allowance of costs to any officer of the court, other than those provided for by this Act, or in the tariff of fees. Limitations as to costs. R.S.O. 1937, c. 107, s. 218.

204. No proceedings shall be quashed or vacated for any matter of form. Defects in form. R.S.O. 1937, c. 107, s. 219.

205. Unless otherwise provided, every notice required by this Act shall be in writing. Notices to be in writing. R.S.O. 1937, c. 107, s. 74.

Before whom
affidavits
may be
sworn.

206.—(1) Affidavits may be sworn before a clerk or deputy clerk, or before a justice of the peace, notary public or commissioner for taking affidavits.

Affidavits
sworn before
agents not
to be used.

(2) An affidavit, sworn before the agent of the party on whose behalf it was made, or before the clerk or partner of such agent, shall not be used. R.S.O. 1937, c. 107, s. 113.

Changing
date in
process.

207. Where a change in the date of a hearing or other proceeding is necessary because of failure to effect service or for any other reason, the clerk may change the date or dates appearing in any summons, judgment summons, subpoena or other notice or process. *New.*

Rules and
regulations.

208. The Lieutenant-Governor in Council may make rules and regulations,

- (a) prescribing the division courts which shall be maintained, the territorial limits of the divisions and the place within each division where the court office shall be located;
- (b) prescribing fees payable to the Crown and to clerks, bailiffs, appraisers, witnesses and for any other services performed under this Act;
- (c) regulating the sittings of the courts and providing for fixing the times and places of such sittings;
- (d) prescribing the duties of clerks and bailiffs and requiring clerks to furnish to judges information regarding sittings of the court;
- (e) prescribing the returns to be made and the information to be furnished by clerks and bailiffs;
- (f) prescribing forms;
- (g) providing for the service of summonses and other process issued out of division courts by prepaid post or otherwise and prescribing the manner of proving service and such other matters as may be necessary or incidental thereto;
- (h) providing for the continuation of courts where a union of counties is dissolved or a county is separated from a union of counties and for the continuation or transfer of actions and judgments therein;
- (i) prescribing and governing the security to be furnished by clerks and bailiffs for the due performance of their duties and, in connection therewith, providing for the Inspector to enter into agreements with any company authorized to carry on the business of fidelity insurance in Ontario;

SECTION 207. This section, which is new, removes doubt as to the authority of division court clerks to make certain changes in the dates appearing in various process. While it is a power which has been generally exercised in the past and necessary to the proper functioning of a court, specific authorization is desirable.

SECTION 208 while extended to include provisions now contained in separate sections earlier in the Act, introduces only one new principle which is the authority, in special circumstances, to include any area within the territorial limits of more than one division. Such a provision is desirable because of the practical necessity of requiring a consolidation order to be made in the court of the division where the debtor resides as applied to the peculiar situation relating to the boundaries of divisions in certain cities.

SECTIONS 209 to 213. There are no changes which are not incidental to those already dealt with earlier in the Bill.

(j) regulating any matter relating to the practice and procedure of the courts, or to the duties of the officers thereof, or to the costs of proceedings therein; and

(k) every other matter deemed expedient for better attaining the ends of justice, advancing the remedies of suitors and carrying into effect the provisions of this Act and of all other Acts respecting division courts. 1941, c. 20, s. 8, *amended*.

(2) In prescribing the territorial limits of a division, the Lieutenant-Governor in Council may, where in his opinion the circumstances of the case so warrant, ^{Territorial limits.}

(a) include any area within the territorial limits of more than one division; and

(b) include within the territorial limits of a division court, an area in an adjoining county. 1941, c. 22, s. 2, *part, amended*.

PART II.

APPLICABLE ONLY TO DISTRICTS.

209. Unless exempt under *The Jurors Act*, all male persons between twenty-one and sixty years of age who reside in the division, and who are subjects of His Majesty by birth or naturalization, may be summoned to serve as jurors at any division court. R.S.O. 1937, c. 107, s. 220. ^{Who liable to serve as jurors.}

210. The clerk and a justice of the peace resident in the division, or in case there is no justice of the peace so resident, then a justice of the peace residing in an adjoining division, shall select the persons to serve as jurors for the trial of actions required to be tried by or before a jury. R.S.O. 1937, c. 107, s. 221. ^{Who to select jurors.}

211.—(1) If the parties agree by writing signed by them to refer causes of action, claims and demands to a judge and that he may try and determine the same, the judge shall have power and jurisdiction so to do, if the subject matter in dispute does not exceed \$800 in amount, and is otherwise within the jurisdiction of a division court. ^{Parties may agree that the judge shall try any matter not over \$800.}

(2) The agreement shall be in duplicate, and one of the duplicates shall be filed with the judge and the other with the clerk of the court in which the action is to be tried, and the court shall thereupon have jurisdiction in respect of the matter referred. ^{Submission to be made in duplicate.}

May be filed and proceedings thereon had to judgment in the division court.

(3) Upon the agreement being filed the plaintiff may enter his claim in such division, and sue out a summons thereupon as in ordinary cases, and the proceedings in the action may be conducted to judgment and execution, irrespective of the amount recovered if it does not exceed \$800, in the same manner as other actions in such court. R.S.O. 1937, c. 107, s. 225.

Appeal.

212.—(1) An appeal shall lie to the Court of Appeal from a judgment under section 211.

Application of Part I.

(2) The provisions of Part I as to appeals shall apply to an appeal under this section. R.S.O. 1937, c. 107, s. 226, *amended*.

Service on application for new trial.

213. Upon an application for a new trial, in an action wherein either party may appeal, personal service may be effected, or all papers requiring service may be delivered to the clerk of the court where the action was tried, or left at his office for the person entitled thereto, and the clerk shall forthwith send by registered post all such papers to the person entitled to the same or his agent. R.S.O. 1937, c. 107, s. 227.

Rev. Stat., c. 107; 1939, c. 47, s. 7; 1941, c. 20; 1942, c. 34, s. 12; 1949, c. 29, repealed.

214. *The Division Courts Act*, section 7 of *The Statute Law Amendment Act, 1939*, *The Division Courts Amendment Act, 1941*, section 12 of *The Statute Law Amendment Act, 1942* and *The Division Courts Amendment Act, 1949* are repealed.

Commencement of Act.

215. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

216. This Act may be cited as *The Division Courts Act, 1950*.

SECTION 215. Changes in the Act effected by this Bill involve the prescribing of new forms and the alteration of existing ones as well as a revision of the rules.

BILL

The Division Courts Act, 1950.

1st Reading

March 22nd, 1950

2nd Reading

3rd Reading

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

The Division Courts Act, 1950.

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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BILL

The Division Courts Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation.

- (a) "action" includes a proceeding, suit, matter and cause;
- (b) "county" includes a provisional county and provisional judicial district;
- (c) "county court" includes district court;
- (d) "defendant" includes primary debtor; R.S.O. 1937, c. 107, s. 1 (1), cls. (a-d).
- (e) "debt or money demand summons" means a summons instituting an action for the recovery of a debt or money demand; *New*.
- (f) "division" means the territory in and for which a division court is established;
- (g) "Inspector" means Inspector of Legal Offices;
- (h) "judge" means judge or junior judge of the county court of the county in which the division for which a division court is constituted is situate;
- (i) "judgment creditor" includes a creditor who has obtained judgment against a garnishee;
- (j) "judgment debtor" includes a garnishee against whom judgment has been recovered;
- (k) "plaintiff" includes primary creditor;

(l) "prescribed form" means the form prescribed in the rules; R.S.O. 1937, c. 107, s. 1 (1), cls. (e-k), *amended*.

(m) "rules" means rules and regulations made under this Act. *New*.

Exclusive
powers of
county
judge.

(2) Where in this Act, any power or authority is conferred or any duty is imposed upon the judge of the county court it shall be exercised or performed by him and not by a junior judge. R.S.O. 1937, c. 107, s. 1 (2).

Territorial
application
of Part I;

2.—(1) Part I, except where otherwise therein provided, shall apply to every county and provisional judicial district in Ontario.

Part II.

(2) Part II shall be applicable only to provisional judicial districts. R.S.O. 1937, c. 107, s. 2.

PART I.

APPLICABLE TO COUNTIES AND DISTRICTS.

COURTS.

Courts
continued.

3. Subject to the provisions of this Act and the rules, the division courts existing at the time this Act takes effect shall continue. R.S.O. 1937, c. 107, s. 3, *amended*.

Designation
of court.

4.—(1) The court in each division shall be called "The First (or as the case may be) Division Court of the County of . . ." R.S.O. 1937, c. 107, s. 5.

May include
adjacent
territory.

(2) The limits of a division court of any county may include territory in an adjacent county. 1941, c. 20, s. 2, *amended*.

Each court
to have
a seal.

5. Every court shall have a seal, with which all process shall be sealed or stamped, and which shall be paid for out of the Consolidated Revenue Fund. R.S.O. 1937, c. 107, s. 6.

To be courts
of record.

6. The court shall be a court of record. R.S.O. 1937, c. 107, s. 7.

Holding of
courts in
cities,
offices of
clerks
therein.

7. In any city in which two division courts are established, all or any of the sittings of both such courts may be held in either of such divisions, and the clerks of both courts may, with the approval of the Lieutenant-Governor in Council, keep their offices in the same division. R.S.O. 1937, c. 107, s. 10.

Accom-
modation.

8.—(1) The local municipality in which a division court is held shall provide a court room, not in or connected with an

hotel, and other necessary accommodation for holding the court. R.S.O. 1937, c. 107, s. 12 (1).

(2) If a proper court room and other necessary accommodation are not furnished by the municipality the judge may hold the court in any suitable place in the division or in any other division of the county in which suitable accommodation is provided and the owner, lessee or tenant of the building in which the court is held shall be entitled to receive from the municipality whose duty it was to provide proper accommodation for the court the sum of \$10 or such larger amount not exceeding \$20 as the Inspector may approve for every day on which the court is held in the building. Where no proper court room, etc.

(3) Where a municipality, not being a city or town, furnishes a court room and other necessary accommodation, or pays for the use of any building, the municipality shall be entitled to recover from any other municipality the whole or part of which is within the division for which the court is held such reasonable share of the cost as shall be ordered by the judge of the court to be paid and contributed by the last-mentioned municipality. R.S.O. 1937, c. 107, s. 12 (2, 3), *amended*. Judge to apportion cost of court room.

9. The sittings of the court in a county town may be held in the court house. R.S.O. 1937, c. 107, s. 13. Use of court house.

10. Actions and judgments in any court, the number or limits of which are changed, shall continue to be actions and judgments therein, but the judge may transfer any such action or judgment to any other court, and when so transferred it shall be an action or judgment of such other court. R.S.O. 1937, c. 107, s. 15. Change in number or limits of court.

11. The clerk of the peace, in a book to be kept by him, shall record the divisions declared and appointed, and the times and places of holding the courts, and the alterations made therein, and he shall transmit to the Inspector a copy of the record. R.S.O. 1937, c. 107, s. 16. Clerks of the peace to record time and place for holding courts.

JUDGES.

12. The court shall be presided over by a judge. R.S.O. 1937, c. 107, s. 18 (1), *amended*. Who to preside.

13.—(1) The judge may appoint a barrister to act as his deputy, and the barrister so appointed shall have all the powers and privileges vested in and be subject to all the duties imposed by law upon the judge. Who to preside in case of illness or absence of judge.

Provincial
Secretary
to be
notified of
appoint-
ment.

(2) The judge shall forthwith send to the Provincial Secretary notice of the appointment, specifying the name and residence of the barrister so appointed and the cause of his appointment. R.S.O. 1937, c. 107, s. 19 (1, 2).

Duration.

(3) No such appointment shall be continued for more than two months, and in case the Lieutenant-Governor in Council disapproves of the appointment, he may annul the same. R.S.O. 1937, c. 107, s. 19 (3), *amended*.

Adjournment
of court if
judge does
not arrive
in time.

14. If the judge does not open court on the day appointed for that purpose, the clerk shall, after four o'clock in the afternoon, adjourn the court to an hour on the following day, to be named by him, and so from day to day, adjourning over any Sunday or holiday, until the judge arrives to open court, or until other directions are received from him. R.S.O. 1937, c. 107, s. 20.

Judge to
supervise.

15.—(1) It shall be the duty of the judge to see that the officers of his courts perform their duties, and to examine into complaints against them.

Suspensions.

(2) The judge may for any cause suspend a clerk or bailiff, and in case of suspension shall forthwith report it and the cause thereof to the Inspector, and if a vacancy occurs in the office of clerk or bailiff, the judge shall forthwith notify the Inspector. R.S.O. 1937, c. 107, s. 23.

Action by
or against
judge.

16. An action by or against a judge may be brought in any court of a county adjoining that in which he resides. R.S.O. 1937, c. 107, s. 73.

Power to
amend pro-
ceedings.

17. The judge may at any time, and on such terms as to costs and otherwise as to him may seem just, amend any defect or error in any proceeding, and all such amendments may be made as may be necessary for the advancement of justice, determining the real question raised by or depending on the proceedings and best calculated to secure the giving of judgment according to the very right and justice of the case. R.S.O. 1937, c. 107, s. 96.

CLERKS AND BAILIFFS.

Every court
to have
clerk and
bailiff.

18. For every court there shall be a clerk and a bailiff or bailiffs, who shall be appointed by the Lieutenant-Governor and shall hold office during pleasure. R.S.O. 1937, c. 107, s. 21, *amended*.

Clerk to
issue
summonses
and furnish
copies, etc.

19. The clerk shall issue all summonses and shall make copies thereof with the notices thereon, according to the prescribed form, and, except as otherwise provided by this

Act, shall deliver the same to the bailiff for service. R.S.O. 1937, c. 107, s. 28.

20. The clerk shall cause a note of all summonses, notices, orders, judgments, warrants, executions and returns thereto, to be entered in a book to be kept in his office, and shall sign his name on every page of the book, and the signed entries, or a copy thereof certified as a true copy by the clerk, shall be sufficient evidence of such entries and of the proceedings referred to therein, without further proof. R.S.O. 1937, c. 107, s. 29.

21.—(1) A procedure book and a foreign procedure book shall be kept by the clerk. R.S.O. 1937, c. 107, s. 30 (1).

(2) The costs of all books and forms required by this Act to be kept by the clerk and bailiff and of necessary stationery and stationery supplies shall be repaid to him by the treasurer of the county, upon the certificate of the Inspector. R.S.O. 1937, c. 107, s. 30 (2); 1942, c. 34, s. 12 (1).

22. The clerk, when required, shall forward the summons and copies for service to the clerk of any other court who shall receive and deliver them to the bailiff for service, and when returned shall send the summons to the clerk from whom it was received, and shall enter the proceedings in the foreign procedure book. R.S.O. 1937, c. 107, s. 31.

23. The clerk shall prepare an affidavit of service of every summons issued out of his court, or sent to him for service, stating how the same was served, the day of service and the distance the bailiff necessarily travelled to effect service, and the affidavit shall be annexed to or endorsed on the summons and shall be sworn to by the bailiff; but the judge may require the bailiff to be sworn in his presence, and to answer such questions as may be put to him touching any service or mileage. R.S.O. 1937, c. 107, s. 34.

24. The clerk shall issue all warrants and executions, and shall tax costs, subject to revision by the judge, and shall keep an account of all fines payable or paid into court, and of all suits money paid into and out of court, and shall enter an account of all such fines and money in a book to be kept by him for that purpose, which shall be open to all persons desirous of searching the same, and shall at all times be accessible to the judge and the Inspector. R.S.O. 1937, c. 107, s. 32.

25. The money arising from any penalty, forfeiture or fine imposed by or under this Act, not directed to be otherwise applied, shall be paid to the clerk and shall be paid by him to the clerk of the peace, to be paid over to the Treasurer of Ontario. R.S.O. 1937, c. 107, s. 33.

Clerks to deliver to clerk of peace a verified account of fines.

26. The clerk shall, at least once in every three months and oftener if required by the clerk of the peace, deliver to him a full account in writing verified by affidavit of all fines levied, accounting for and deducting the reasonable expenses of levying the same, and any allowance which the judge may make out of such fines in pursuance of the power hereinafter given. R.S.O. 1937, c. 107, s. 34.

And furnish judge with a verified account of moneys paid in and out of court.

27. The clerk, when required by the judge, shall furnish him with a full account in writing, verified by affidavit, of the money paid into or out of the court under orders, judgments or process of the court, and of the balance in court belonging to suitors or others. R.S.O. 1937, c. 107, s. 35.

Clerk to remit moneys.

28. The clerk shall promptly remit all moneys received by him in payment of a judgment to the person entitled thereto and shall in no case retain any such moneys for a period in excess of three months. R.S.O. 1937, c. 107, s. 36, *amended*.

Clerk annually to make list of suitors' money in court for six years.

29.—(1) The clerk shall annually, in the month of January, make out a correct statement of all sums of money belonging to suitors or others which have been paid into court and have remained unclaimed for six years before the last day of the month of December then last past, specifying the names of the persons for whom or on whose account the same were so paid.

Posting and distributing list.

(2) The clerk shall keep one copy of the statement posted up in his office and another copy in some conspicuous part of the court house or the place where the court is held, and copies shall also be sent to the Treasurer of Ontario and the Inspector.

Disposition of unclaimed moneys.

(3) All such sums shall form part of the Consolidated Revenue Fund, and shall be forthwith paid over by the clerk or officer holding them to the Treasurer of Ontario, and, except by leave of the Lieutenant-Governor in Council, no person shall be entitled to claim any such sum which has remained unclaimed for six years.

Claims of persons under disability.

(4) The time during which the person entitled to claim the money was an infant or of unsound mind, or out of Ontario, shall not be taken into account in computing the six years. R.S.O. 1937, c. 107, s. 37.

Bailiffs to serve process.

30. The bailiff shall promptly serve and execute all summonses, orders, warrants and executions delivered to him by the clerk, and shall so soon as served or executed return the same to the clerk, but subject to section 64 he shall not be required to travel beyond the limits of his division, or be allowed to charge mileage for any distance beyond the limits of the county in which is situated the division for the court of which he is bailiff. R.S.O. 1937, c. 107, s. 40.

31.—(1) Where the gross fees and emoluments earned by a clerk or bailiff are less than \$1,000 a year, the local municipality in which the division court is held shall pay to the clerk and bailiff respectively the sum of \$4 for attending each sitting of the court. R.S.O. 1937, c. 107, s. 41 (4); 1942, c. 34, s. 12 (2). Fees for sittings.

(2) Where in any division the clerk and bailiff are paid for attending court sittings by the local municipality in which the court is held under subsection 1, such local municipality shall be entitled to recover from any other municipality for which the court is held, such reasonable share of the amount so paid to the clerk and bailiff as shall be ordered by the judge. R.S.O. 1937, c. 107, s. 12 (4). Apportionment.

32.—(1) The fees upon every proceeding shall be paid in the first instance, and before it is taken, by the party on whose behalf the proceeding is taken. By whom fees to be paid in first instance.

(2) If the fees are not so paid, payment may, by summary order of the judge, be enforced by execution in like manner as a judgment of the court. R.S.O. 1937, c. 107, s. 43. How enforced.

33. At the time of the issue of any process or execution the bailiff's fees thereon shall be paid to the clerk and shall be paid over to the bailiff, upon the return of the execution, and not before; but if the bailiff does not become entitled to any part, or becomes entitled to a part only of such fees, the whole or the surplus, as the case may be, shall be repaid by the clerk to the person from whom the fees were received. R.S.O. 1937, c. 107, s. 44. Bailiff's fees to be paid to clerk when execution issues.

34. If the bailiff neglects to return any process or execution within the time required by law he shall for such neglect forfeit his fees thereon, and all fees so forfeited shall be held to have been received by the clerk, who shall keep a special account thereof, and account for and pay over the same to the clerk of the peace, to be paid to the Treasurer of Ontario, to form part of the Consolidated Revenue Fund. R.S.O. 1937, c. 107, s. 45. Bailiff to forfeit fees if he neglects to return process.

35. A clerk or bailiff shall not directly or indirectly take or receive any commission, charge, fee or reward for or in connection with the collection of any debt or claim which has been or may or can be sued in the court for which he is clerk or bailiff, except such fees as are provided by a tariff of fees under this Act. R.S.O. 1937, c. 107, s. 46. Clerk or bailiff not to accept extra fees.

36. Every clerk and bailiff shall, as often as required by the Inspector, produce at the clerk's office, for examination and inspection, all books and documents required to be kept by Books, etc. to be produced for inspection.

him, and shall report to the Inspector concerning such matters as the Inspector shall require. R.S.O. 1937, c. 107, s. 49.

Clerks' and
bailiffs'
returns to
Inspector.

37. Every clerk and bailiff shall keep a separate book in which he shall enter from day to day all fees, charges and emoluments received by him by virtue of his office, and shall on or before the 31st day of January, in every year, make a return under oath to the Inspector, showing the aggregate amount of fees, charges and emoluments which he became entitled to receive during the year which ended on the 31st day of December next preceding. R.S.O. 1937, c. 107, s. 52, *amended*.

Clerk to
make
returns to
Lieutenant-
Governor.

38. Every clerk shall, on or before the 31st day of January in each year, make a return, in such form and manner as the Lieutenant-Governor in Council shall prescribe, of the business of his office for the year which ended on the 31st day of December next preceding. R.S.O. 1937, c. 107, s. 51, *amended*.

Annual
return of
commitment
of judgment
debtors.

39. Every clerk, on or before the 31st day of January in every year, shall make to the Inspector a return showing the number of judgment debtors who, during the twelve months ending the 31st day of December next preceding, were ordered to be committed under each of the heads mentioned in section 132. R.S.O. 1937, c. 107, s. 191, *amended*.

Security
by clerks
and bailiffs.

Rev. Stat.,
c. 16.

40.—(1) Every clerk and bailiff shall furnish such security as may be required by the Lieutenant-Governor in Council for the due performance of the duties of his office, and, subject to the rules, the provisions of *The Public Officers Act* relating to the giving of security shall apply to such security.

Security
to enure
to benefit
of person
injured.

(2) The security shall enure to the benefit of any person suffering damages by the default, breach of duty or misconduct of the clerk or bailiff. R.S.O. 1937, c. 107, s. 25.

Entries of
clerk or
bailiff
evidence
against
surety.

41.—(1) In an action against a surety of a clerk or bailiff, the entries in the books kept by such clerk or bailiff shall be *prima facie* evidence against the surety.

Interpre-
tation of
"clerk or
bailiff".

(2) For the purpose of this section, the words "clerk or bailiff" include a person who has ceased to be a clerk or a bailiff, as the case may be. R.S.O. 1937, c. 107, s. 26.

Clerk not
to practise
as barrister,
etc.

42. A clerk shall not practise as a barrister or solicitor. R.S.O. 1937, c. 107, s. 22.

Actions by
and against
clerks and
bailiffs.

43.—(1) A clerk or bailiff shall not sue or be sued in the court of which he is clerk or bailiff.

(2) A clerk or bailiff shall sue or be sued separately or Idem. jointly with another person in the court of any next adjoining division whether in the same or another county.

(3) Nothing in this section shall prevent proceedings from being continued in the court in which the action was brought, where it was commenced before the appointment of such clerk or bailiff. Commenced before appointment. R.S.O. 1937, c. 107, s. 72.

44. A clerk, bailiff or other officer of the court shall not, directly or indirectly, purchase any property at any sale made by a bailiff under legal process, and every such purchase shall be absolutely void. Bailiff and other officers not to purchase goods seized. R.S.O. 1937, c. 107, s. 178.

45. If a clerk, bailiff or other officer is guilty of extortion he shall, upon proof thereof before the court, be forever disqualified to hold any office of profit or emolument in a division court, and shall also be liable in damages to the party aggrieved. Extortion. R.S.O. 1937, c. 107, s. 213.

46.—(1) Upon a complaint in writing that a bailiff or officer, acting under colour or pretence of process of the court, is guilty of extortion or misconduct, or does not duly pay or account for all money levied or received by him by virtue of his office, the judge may, at a sittings of the court, inquire into the matter in a summary way, and for that purpose may summon and enforce the attendance of all necessary persons, and make such order thereupon for the repayment of any money extorted, or for the due payment of any money levied or received, and for the payment of such damages and costs to the person aggrieved, as he may think just. Misconduct of court officers.

(2) In default of payment of the money ordered to be paid by the bailiff or officer within the time mentioned in the order for the payment thereof, the judge may, by warrant under his hand and seal, cause such sum to be levied by distress and sale of the goods of the offender, together with the reasonable charges of the distress and sale, and in default of such distress or summarily in the first instance, or where payment is not made forthwith, if so ordered, may commit the offender to the common jail of the county for a period not exceeding three months, unless the money and costs are sooner paid. Enforcing order for payment by bailiff. R.S.O. 1937, c. 107, s. 212.

47. If a bailiff, by neglect, connivance or omission, loses the opportunity of levying an execution or taking property under an attachment, or unduly delays to levy or attach, the judge, upon complaint of the party aggrieved, and upon proof of the fact alleged, may order the bailiff to pay such damages as the party aggrieved appears to have sustained, not exceeding the sum for which the execution or attachment issued, Bailiff neglecting duty in relation to execution.

and upon demand being made therefor, and on his refusal to satisfy the same, payment may be enforced by such means as are provided for enforcing judgments. R.S.O. 1937, c. 107, s. 214.

Resignation,
removal or
death of
clerk.

48. All accounts, moneys, books, papers, documents and other things in the possession of a clerk or bailiff by virtue of or appertaining to his office, shall, upon his death, resignation or removal, immediately become the property of the clerk of the peace, who shall hold the same until the appointment of another clerk or bailiff, to whom he shall deliver over the same, when security has been furnished on behalf of such clerk or bailiff. R.S.O. 1937, c. 107, s. 38.

Leave of
absence.

49. Leave of absence for a period not exceeding two months may be granted by the Inspector to a clerk or bailiff. R.S.O. 1937, c. 107, s. 24 (1).

Clerk of
peace to
act as
clerk when
office of
clerk is
vacant.

50. Subject to section 51, upon the death, resignation, suspension or removal of the clerk, the clerk of the peace shall be the clerk until a successor is appointed or the suspension is removed, and the clerk of the peace shall be paid by the corporation of the county for his services in taking over the office the sum of \$5 together with actual disbursements. R.S.O. 1937, c. 107, s. 39.

Deputy
during
absence of
clerk or
bailiff.

51.—(1) With the approval of the Inspector, when prevented from acting because of absence or illness or any cause other than suspension the clerk or bailiff may appoint a deputy to act for him and the clerk or bailiff, as the case may be, shall be jointly and severally responsible for all the acts and omissions of the deputy so appointed. R.S.O. 1937, c. 107, s. 24 (2), *part, amended*.

Appointment
of clerk,
bailiff *pro*
tempore.

(2) With the approval of the Inspector, where there is no clerk or bailiff or the clerk or bailiff is under suspension the judge may appoint a clerk or bailiff, as the case may be, *pro tempore*. R.S.O. 1937, c. 107, s. 83 (1), *amended*.

Powers,
privileges,
duties.

(3) Where an appointment is made under subsection 1 or 2, the person so appointed shall, during the period of his appointment, have all the powers and privileges and be subject to the duties of the clerk or bailiff, as the case may be. R.S.O. 1937, c. 107, s. 24 (2), *part, amended*.

Clerk acting
as bailiff.

(4) Where there is no bailiff or the bailiff is for any reason unable to act, the clerk may act in his place. R.S.O. 1937, c. 107, s. 83 (2), *part, amended*.

Continuation
of
proceedings.

52.—(1) In the event of the death, resignation, suspension or removal of a bailiff, after action taken by him under an

execution or attachment, the proceedings may be continued by his successor.

(2) The benefit of all securities given to the bailiff shall enure to his successor in office. R.S.O. 1937, c. 107, s. 181. Securities given to the bailiff.

JURISDICTION AS TO CAUSES OF ACTION AND QUANTUM.

53. The court shall not have jurisdiction in,

Cases in which court has no jurisdiction.

- (a) an action for the recovery of land, or an action in which the right or title to any corporeal or incorporeal hereditaments, or any toll, custom or franchise comes in question;
- (b) an action in which the validity of any device, bequest or limitation under any will or settlement is disputed;
- (c) an action for malicious prosecution, libel, slander, criminal conversation, seduction or breach of promise of marriage;
- (d) an action against the justice of the peace for anything done by him in the execution of his office, if he objects thereto;
- (e) an action upon a judgment, or order of the Supreme Court or a county court where execution may issue, upon or in respect thereof. R.S.O. 1937, c. 107, s. 53.

54.—(1) Save as otherwise provided by this Act, the court shall have jurisdiction in, Cases in which court has jurisdiction.

- (a) a personal action where the amount claimed does not exceed \$200;
- (b) a personal action if all the parties thereto consent in writing, and the amount claimed does not exceed \$400;
- (c) an action on a claim or demand of debt, account, or breach of contract, or covenant, or money demand, whether payable in money or otherwise, where the amount or balance claimed does not exceed \$200; provided that in the case of an unsettled account the whole account does not exceed \$1,000;
- (d) an action for the recovery of a debt or money demand, where the amount claimed, exclusive of interest, whether the interest is payable by contract

or as damages, does not exceed \$400 and the amount claimed is,

- (i) ascertained by the signature of the defendant or of the person whom as executor, or administrator he represents, or
- (ii) the balance of an amount not exceeding \$400 which amount is so ascertained, or
- (iii) the balance of an amount so ascertained which did not exceed \$800, and the plaintiff abandons the excess over \$400,

but an amount shall not be deemed to be so ascertained where it is necessary for the plaintiff to give other and extrinsic evidence beyond the production of a document and proof of the signature to it; and the jurisdiction conferred by this clause shall apply to claims and proceedings against an absconding debtor;

- (e) an action or contestation for the determination of the right of a creditor to rank upon an insolvent estate where the claim of the creditor does not exceed \$200. 1949, c. 29, s. 1, *part*.

Combining
causes of
action.

- (2) Claims combining causes of action may be joined in one action where,

- (a) the amount of the claim in respect of each cause of action does not exceed the limit prescribed by subsection 1 for such cause of action; and
- (b) the total amount of the combined claims does not exceed \$400. 1949, c. 29, s. 1, *part, amended*.

Separate
findings
on combined
claims.

- (3) The findings of the court upon claims so joined shall be separate.

Replevin.

- (4) Where the value of property distrained, taken or detained does not exceed \$200, and the title to the land is not brought into question, an action of replevin may be brought in the court for the division within which the defendant or one of the defendants resides or carries on business, or where the property was distrained, taken or detained and *The Replevin Act* shall *mutatis mutandis* apply to such action.

Rev. Stat.,
c. 99.

Actions
between
teachers
and school
boards.
Rev. Stat.,
cc. 360, 357
and 362.

- (5) The court shall also have jurisdiction in actions between teachers and school boards as provided by *The High Schools Act*, *The Public Schools Act* and *The Separate Schools Act*. 1949, c. 29, s. 1, *part*.

55. Except in actions in which a jury is demanded, as hereinafter provided, the judge shall hear and determine in a summary way all questions of law and fact and may make such order or judgment as appears to him just and agreeable to equity and good conscience, which shall be final and conclusive between the parties, except as herein otherwise provided. R.S.O. 1937, c. 107, s. 55. Summary hearings.

56. Upon a contract for the payment of a sum certain in labour or in any kind of goods or commodities or in any other manner than in money, the judge may give judgment for the amount in money as if the contract had been so expressed, if the goods and commodities have not been delivered or the labour or other thing performed in accordance with the contract. R.S.O. 1937, c. 107, s. 56. Judge may order payment in money, although contract not for payment in money.

57.—(1) The court in actions otherwise within its jurisdiction shall have power to grant relief, redress or remedy, or combination of remedies, either absolute or conditional, including the power to relieve against penalties and forfeitures, in as full and ample a manner as might be done in the like case by the Supreme Court. Powers of court.

(2) Nothing in this section shall confer jurisdiction to grant an injunction. R.S.O. 1937, c. 107, s. 57. No Injunctions.

58. A minor may sue for any sum not exceeding \$100 due to him for wages, or for work or services, as if he were of full age. R.S.O. 1937, c. 107, s. 58. Minors may sue for wages.

59. A cause of action shall not be divided into two or more actions for the purpose of bringing it within the jurisdiction of the court. R.S.O. 1937, c. 107, s. 59 (1). Causes of action not to be divided.

60. A judgment in an action brought for the balance of an account, or for a part of a claim, where the residue is abandoned to bring the claim within the jurisdiction of the court, shall be a full discharge of all demands in respect of the account for the balance of which such action was brought or for the whole claim, as the case may be. R.S.O. 1937, c. 107, s. 60. Judgment to be full discharge.

61.—(1) Where it appears at any stage of an action otherwise of the proper competence of the court that the court has not cognizance thereof on account of the title to land or any corporeal or incorporeal hereditament, or any toll, custom or franchise coming in question, or the validity of a devise, bequest or limitation under a will or settlement being disputed, or the amount involved is in excess of the jurisdiction of the court, the action shall not on that account be dismissed, but a judge of the Supreme Court, or the judge of the court in which the action is pending, may order the Transfer of actions to Supreme Court.

same to be transferred to the Supreme Court or to a county court where the county court would have jurisdiction, upon such terms as to the payment of costs or otherwise as he may think fit, and thereafter the action shall proceed in the Supreme Court or the county court as if originally commenced therein, and as if the defendant had entered an appearance; but the judge may give such directions as to procedure as may be deemed proper.

Appeal from order.

(2) Where the order is made by a judge of the division court, an appeal shall lie therefrom to a judge of the Supreme Court in chambers who may rescind the order or vary the terms thereof. R.S.O. 1937, c. 107, s. 61.

Action may be removed into Supreme Court cases.

62. If it appears to a judge of the Supreme Court that an action is a fit one to be tried in the Supreme Court, he may order that it be transferred to the Supreme Court upon such terms, as to payment of costs or otherwise, as he may think fit. R.S.O. 1937, c. 107, s. 62.

Counter-claim involving matters beyond jurisdiction.

63.—(1) When a counterclaim is disputed and involves matters beyond the jurisdiction of the division court, the judge may try the claim and may, if he sees fit, stay the issue of execution upon the judgment until the counterclaim has been disposed of upon such terms as to security and otherwise as he sees fit to impose.

Set-off of counter-claim when admitted.

(2) If the counterclaim or any part thereof is admitted the judge may direct the amount admitted to be set off *pro tanto* without prejudice to any proceedings to recover the balance. R.S.O. 1937, c. 107, s. 63.

TERRITORIAL JURISDICTION AND PLACE OF TRIAL.

In what court actions may be entered and tried.

64.—(1) An action may be entered and tried,

- (a) in the court for the division in which the cause of action arose or in which the defendant, or any one of several defendants, resides or carries on business at the time the action is brought; or
- (b) in the court the place of sitting whereof is the nearest to the residence of the defendant,

Actions for wages of woodmen.

provided that any action for wages of a woodman may be entered and tried in the court holden for the division in which the contract of hiring was made, notwithstanding any stipulation in the contract of employment or otherwise, and in this section, "woodman" means a person performing labour or services in connection with any logs or timber and includes cooks, blacksmiths, artisans and all others usually employed in connection with such labour or services.

(2) In the cases provided for by clause *b* of subsection 1 and by subsection 2 of section 43, the summons may be served by a bailiff of the court out of which it issues, and upon judgment being recovered execution against the goods and chattels of the debtor, and all other process and proceedings to enforce payment of the judgment, may be issued to the bailiff of such court, and be executed and enforced by him in the county in which the debtor resides, as well as in the county in which the judgment was recovered. R.S.O. 1937, c. 107, s. 64.

65. If a person desires to bring an action in the court of a division other than as in section 64 mentioned, the judge may by order authorize an action to be entered and tried in the court of any division in his county adjacent to the division in which the defendant or one of the defendants resides, whether such defendant resides in the county of the judge granting the order or in an adjoining county. R.S.O. 1937, c. 107, s. 65.

66. No proviso, condition, stipulation, agreement or statement which provides for the place of trial of an action, matter or proceeding shall be of any force or effect where the defendant, within the time limited for disputing the plaintiff's claim or within such further time as the judge shall allow, files with the clerk of the court in which the action was commenced a notice disputing the jurisdiction of the court and an affidavit of the defendant or his agent stating that in his belief there is a good defence to the action on the merits, and the division wherein the cause of action arose, or partly arose, and the division where the defendant resides. R.S.O. 1937, c. 107, s. 66.

67.—(1) Where a claim is within the proper competence of a division court, the action may be brought notwithstanding that the residence of the defendant is, at the time of bringing the action, out of Ontario, and the action may be brought in the court of the division in which the cause of action arose or partly arose, but the court may refuse to allow the action to proceed if it appears that the action is one which ought to be tried elsewhere.

(2) The service of the summons may be made by a bailiff of the court out of which it issued or by any person who may, either before or after the service, be approved by the judge or by the clerk, but the summons shall be served at least fifteen days before the return day thereof. R.S.O. 1937, c. 107, s. 67 (1, 2).

(3) Where service of the summons has been effected out of Ontario, the judge may allow, as costs in the action, a sum

towards the expenses incurred in effecting service, not exceeding in the whole \$5. R.S.O. 1937, c. 107, s. 67 (4).

Where defendant a corporation with head office out of Ontario.

68. Where the defendant is a corporation not having its head office in Ontario, and the cause of action arose partly in one division and partly in another, the plaintiff may bring his action in either division. R.S.O. 1937, c. 107, s. 68.

Place of trial where amount sued for exceeds \$100.

69.—(1) Where the debt or money payable exceeds \$100 and is made payable by the contract of the parties at a place named therein, the action may be brought thereon in the court of the division in which the place of payment is situate, subject to the action being transferred to the court of any division in which but for this section it might have been brought.

Changing place of trial in such cases.

(2) The judge of the court in which the action is brought may, upon application of the defendant made within the time limited for disputing the plaintiff's claim, make an order transferring the action accordingly.

Affidavit in support of application.

(3) The application shall be supported by an affidavit of the applicant or his agent stating that the applicant intends to defend the action, that there is a good defence upon the merits, that the cause of action did not wholly arise in the division in which the action is brought, that the witnesses for the defence, or some of them, reside within the division in which the defendants, or one of them, resided or carried on business at the time the action was brought, and that the application is not made for the purpose of delay, and the dates of the next two sittings of the court to which it is sought to have the action transferred shall also be shown.

Order and papers to be transmitted to clerk.

(4) The order shall direct at what sittings of the court the action shall be tried, subject to all rights of postponement as in other cases, and shall be attached by the clerk to the summons and other proceedings in the action, and he shall forthwith transmit them to the clerk of the court to which the action is transferred, and enter a minute thereof in his procedure book.

To be entered in procedure book.

(5) Upon receipt of the order and other papers by the clerk of such last-mentioned court, he shall enter the action and proceedings in his procedure book.

Style.

(6) All the papers and proceedings in the action thereafter shall be entitled and carried on as though the action had originally been entered in the last-mentioned court.

Service of order.

(7) The defendant shall forthwith serve a copy of the order upon the plaintiff or his agent. R.S.O. 1937, c. 107, s. 69.

70.—(1) If it appears that an action should have been entered in some other court of the same or some other county, ^{When action entered in wrong court} it shall not fail for want of jurisdiction, but, on such terms as the judge shall order, all the papers and proceedings in the action may be transferred to any court having jurisdiction in the premises, and shall become proceedings thereof as if the action had been entered therein, and shall be continued as if it had originally been entered in the last-mentioned court.

(2) The clerk of the court to which the proceedings have been transferred shall place the action on the list for trial at the next sittings of his court which commences six clear days or more after he receives the papers, and he shall forthwith after receiving the papers notify the parties or their agents by registered post of the date, hour and place of the sittings, and the clerk issuing the summons shall certify in detail to the court to which the action is transferred all the costs incurred up to the date of the transfer. R.S.O. 1937, c. 107, s. 71. ^{Clerk to place on list and notify parties.}

PROCEDURE BEFORE TRIAL.

71.—(1) The plaintiff shall enter his claim with the clerk and shall at the time of such entry leave with the clerk a copy of the claim for each defendant. ^{Entry of claim.}

(2) The claim shall set out the particulars thereof with reasonable certainty and detail. ^{Particulars.}

(3) Each claim shall be numbered by the clerk according to the order in which it is entered, and a summons shall be issued by the clerk, bearing the number of the claim on the margin thereof. R.S.O. 1937, c. 107, s. 75 (1), *part, amended*. ^{Summons.}

72. In an action on a promissory note, bill of exchange or cheque, the note, bill or cheque shall be filed with the clerk before judgment, unless otherwise ordered or unless it be shown that the note, bill or cheque is lost or that it cannot for some other reason be produced. R.S.O. 1937, c. 107, s. 75 (2). ^{Promissory note, etc., to be filed.}

73. The clerk shall annex the plaintiff's claim to the summons, and shall deliver copies of the summons and claim to the proper person to serve it. R.S.O. 1937, c. 107, s. 76, *amended*. ^{What to accompany summons.}

74. Where the amount of the claim exceeds \$30 the service shall be personal, and where the amount does not exceed \$30 the service may be on the defendant, his wife or servant, or on a grown-up inmate of the defendant's dwelling-house or usual place of abode or business. R.S.O. 1937, c. 107, s. 79. ^{When service to be personal or otherwise.}

Substitu-
tional
service.

75. The judge may make an order for substitutional service or for service by advertisement or otherwise. R.S.O. 1937, c. 107, s. 80; 1939, c. 47, s. 7.

Service on
corporations.

76.—(1) Every summons or process, whether before or after trial, against a corporation, firm or individual whose chief place of business is not within the division in which the summons or process is issued, and all subsequent papers and proceedings in the action, may be served on the agent of the corporation, firm or individual whose office or place of business as such agent is either within the division from the court of which the summons or process issued, or is nearest thereto.

Interpre-
tation.

(2) For the purpose of this section, "agent" includes,

- (a) in the case of a railway company, a station-master having charge of a station of the company;
- (b) in the case of a telegraph company, a person having charge of a telegraph office of the company;
- (c) in the case of an express company, a person having charge of an express office of the company; R.S.O. 1937, c. 107, s. 81, *amended*.
- (d) in the case of any other corporation, firm or individual, a manager or other principal officer in charge of the office or place of business. *New*.

Notice of
dispute.

77. Where any party to an action intends to dispute the claim made against him he shall leave with the clerk within ten days of the service upon him of the summons or other process constituting a notice of the claim a notice of dispute setting out his reasons for disputing the claim together with sufficient copies thereof and the clerk shall forthwith send a copy thereof to each of the plaintiffs or other parties to the action. *New*.

Dispute as
to territorial
jurisdiction.

78. Where any party to an action intends to contest the territorial jurisdiction of the court, he shall include in his notice of dispute a statement that he disputes the jurisdiction of the court, and in default of such notice the jurisdiction shall be considered as established and determined and all proceedings may thereafter be taken as fully and effectually as if the action had been properly entered or taken in such court. R.S.O. 1937, c. 107, s. 70, *amended*.

Leave to
dispute
claim before
judgment.

79. At any time before judgment is entered although the time for giving the notice disputing the plaintiff's claim has expired, the judge, on sufficient grounds shown, and on such terms as to him may seem just, may give leave to the defendant

to dispute the plaintiff's claim, in which case the notice disputing the claim shall immediately be left with the clerk, and also delivered to the plaintiff or sent to him by registered post. R.S.O. 1937, c. 107, s. 93.

80. A defendant who has filed a notice disputing the claim may, by notice to the clerk at least six days before the sittings at which the action may be tried, consent that judgment be entered against him for any amount, and the clerk shall immediately notify the plaintiff thereof by registered post, and thereupon the plaintiff shall be entitled to have judgment entered by the clerk as by default for such amount and the costs necessarily incurred. R.S.O. 1937, c. 107, s. 94. Withdrawal of defence.

81.—(1) Where the defendant desires to avail himself of the laws of set-off, or of *The Limitations Act* or of a defence under any other statute, he shall give notice thereof to the plaintiff. R.S.O. 1937, c. 107, s. 105 (1), *amended*. Notice of set-off or other statutory defence. Rev. Stat., c. 118.

(2) Except by leave of the judge no evidence of set-off shall be given by the defendant save such as is contained in the particulars delivered. Evidence of set-off.

(3) If the set-off proved exceeds the amount found to be due to the plaintiff, judgment shall be entered for the defendant for the excess, if the excess be an amount within the jurisdiction of the court; but if the excess be an amount beyond the jurisdiction of the court, the judge may order that an amount of the set-off equal to the amount found to be due to the plaintiff be satisfied by the claim, but the adjudication shall not be a bar to the recovery by the defendant in a subsequent action for the residue of the set-off. R.S.O. 1937, c. 107, s. 105 (2, 3). Where set-off exceeds amount due to plaintiff.

82.—(1) If the defendant desires to plead a tender before action of a sum of money in full satisfaction of the plaintiff's claim he may do so on filing his notice of dispute, and at the same time paying into court the amount mentioned in the notice, and notice of the dispute and payment shall be forthwith sent by the clerk to the plaintiff by registered post or delivered at his usual place of abode or business. Plea of tender with payment of money into court.

(2) The plaintiff shall be deemed to have accepted the money in full satisfaction of his claim and all proceedings in the action shall be stayed unless within five days after the receipt of notice of the payment he signifies in writing to the clerk his intention to proceed for his claim notwithstanding such defence, in which case the action shall proceed. Notice by plaintiff.

(3) If the plaintiff does not give the notice mentioned in subsection 2, the money shall be paid to him less \$1 to be paid over to the defendant for his trouble. When plaintiff does not give notice.

Giving of
notice
after time
limited.

(4) The judge may allow the plaintiff to give the notice to the clerk after the expiration of the five days on such terms as to him may seem just.

Rule as to
costs where
plaintiff
proceeds
for balance.

(5) If after tender and payment into court the plaintiff proceeds with the action and does not recover more than the sum paid into court, he shall pay the defendant his costs, charges and expenses, and the amount thereof may be paid to the defendant out of the money so paid in, or may be recovered from the plaintiff in the same manner as money payable under a judgment; but, if the plaintiff recovers more than the sum paid into court, the full amount paid into court shall be applied towards the satisfaction of his claim, and judgment may be given against the defendant for the residue and costs of the action. R.S.O. 1937, c. 107, s. 103, *amended*.

Defendant
may pay
money into
court.

83.—(1) The defendant may, within the time limited for filing his notice of dispute, pay into court a sum in full satisfaction of the plaintiff's claim, together with the plaintiff's costs up to the time of such payment.

Clerk to
give notice
of payment
to plaintiff.

(2) The clerk shall forthwith deliver or send notice of such payment by registered post to the plaintiff, and the sum so paid shall be paid to the plaintiff, and he shall be deemed to have accepted it in full satisfaction of his claim, and all proceedings in the action shall be stayed, unless within five days after the receipt of the notice the plaintiff gives notice to the clerk of his intention to proceed for the remainder of his claim, in which case the action shall proceed.

Notice to be
given after
five days.

(3) The judge may allow the plaintiff to give the notice to the clerk after the expiration of the said five days on such terms as to him may seem just.

Plaintiff
to pay
defendant's
costs if no
further sum
recovered.

(4) If the plaintiff recovers no more than the sum paid into court, he shall pay the defendant all costs, charges and expenses incurred by him in the action after such payment, to be taxed and recovered by the same means as any other sum ordered by the court to be paid. R.S.O. 1937, c. 107, s. 104, *amended*.

Clerks and
bailiffs
may take
confessions.

84.—(1) A clerk or bailiff may take a confession or acknowledgment of debt from a defendant, in the prescribed form, which shall be witnessed by the clerk or bailiff at the time of the taking thereof; and upon the production of the confession or acknowledgment to the judge, and proof thereof by the oath of the clerk or bailiff, the judge may order that judgment be entered thereon.

(2) The oath shall state that the party making it has not received, and that he will not receive, anything from the plaintiff or defendant, or any other person, except his lawful fees for taking the confession or acknowledgment, and that he has no interest in the demand sought to be recovered. R.S.O. 1937, c. 107, s. 161.

(3) Either party may apply to a judge for judgment to be signed on consent. *New.*

85.—(1) The judge at any stage of the proceedings upon such terms as may appear to him to be just may order that the name of the plaintiff, defendant, or garnishee improperly joined be struck out and that any person who ought to have been joined or whose presence is necessary in order to enable the judge effectually and completely to adjudicate upon the questions involved in the action be added as plaintiff, defendant or garnishee.

(2) Where an action has been commenced in the name of the wrong person as plaintiff, or where it is doubtful whether it has been commenced in the name of the right plaintiff, the judge, if satisfied that it has been so commenced through a *bona fide* mistake and that it is necessary for the determination of the real matter in dispute so to do, may order any other person to be substituted or added as plaintiff upon such terms as he may deem just.

(3) No person shall be added or substituted as a plaintiff or as a next friend, unless his consent in writing thereto is filed.

(4) A person who is added as a defendant or garnishee shall be served with a copy of the summons, the original summons being first amended, and the proceedings against him shall be deemed to have commenced from the date of the order making him a party; but if the application to add any person as a party defendant or garnishee be made at the trial, the judge may make the order in a summary manner upon such terms as to him may seem just, and may dispense with the service of a copy of the summons if such person or his agent consents thereto. R.S.O. 1937, c. 107, s. 89.

86.—(1) Where a defendant claims to be entitled to contribution or indemnity from or any other relief over against any person not a party to the action or against another defendant, hereinafter called a third party, he may within the time limited for entering his dispute, enter with the clerk his account, claim or demand in writing in detail, and in cases of tort particulars of his demand, against the third party stating the nature and grounds thereof and shall at

the same time deliver to the clerk a copy, and if necessary copies of his account, claim or demand and shall pay to the clerk the prescribed fees.

Summons
to third
party.

(2) The clerk upon receipt of the prescribed fees shall annex the account, claim or demand and particulars, if any, to a copy of the summons to the defendant and shall deliver a copy thereof to the proper person for service upon the third party.

Procedure.

(3) The practice and procedure as between the defendant and the third party shall be the same *mutatis mutandis* as the practice and procedure as between a plaintiff and defendant and the judge may make such direction as may appear proper for having the question between the defendant and the third party most conveniently determined and as to the mode and extent in or to which the third party shall be bound or made liable by the judgment in the action and may make such order or give such judgment against the third party as may be required.

Default
of
appearance.

(4) Where a third party makes default in entering an appearance, if the action is tried and results in favour of the plaintiff, the judge who tries the action may, at or after the trial, direct such judgment as the nature of the case may require to be entered for the defendant giving the notice against the third party.

Delay to
be avoided.

(5) A plaintiff shall not be prejudiced or unnecessarily delayed by reason of questions between the defendant and the third party in which he is not concerned and such directions shall be given and terms imposed as may be necessary to prevent delay of the plaintiff where it can be done without injustice to the defendant and the third party. 1941, c. 20, s. 4.

Where no
dispute —
general rule.

87. Where in an action in which the claim is not a debt or money demand the defendant does not leave a notice of dispute with the clerk within ten days of the service upon him of the summons and claim, the plaintiff shall not be required to prove liability but shall prove the amount of his claim in court. *New.*

Default
judgment.

88.—(1) Where in an action for the recovery of a debt or money demand the defendant does not leave a notice of dispute with the clerk within ten days of the service upon him of the summons and claim, final judgment may be entered by the clerk at any time within six months of the return of the summons, or, by the order of the judge, at any time thereafter for the amount claimed and execution may issue thereon without prejudice to the right of the plaintiff to proceed for the remainder of his claim. R.S.O. 1937, c. 107, s. 90 (1), *part, amended.*

(2) Where in an action for the recovery of a debt or money demand a notice of dispute is filed in respect of part only of the plaintiff's claim, subsection 1 shall apply to the other part of such claim. R.S.O. 1937, c. 107, s. 90 (1), *part, amended.* Dispute as to part of claim.

(3) Judgment shall not be entered until the summons and claim with an affidavit of the due service of both have been filed. Proof of service.

(4) The judge may set aside the judgment and permit the case to be tried on such terms as to him may seem just. R.S.O. 1937, c. 107, s. 90 (2, 3), *amended.* Judge may set aside judgment.

89. Where proof is made by affidavit or otherwise of the service of a debt or money demand summons and of the claim as required by section 90, and judgment has not been entered under such section, the judge may, if the defendant does not in person or by agent appear in open court, as required by the summons, give judgment against him by default, without requiring proof of the plaintiff's claim. R.S.O. 1937, c. 107, s. 91, *amended.* Judgment by default under s. 90, where final judgment not entered.

90.—(1) In any action for \$25 or more commenced by a debt or money demand summons, the plaintiff, on an affidavit made by himself or any other person swearing positively to the facts and verifying the cause of action and the amount claimed and stating that in his belief there is no defence to the action, and the reasons why immediate judgment should be granted, may concurrently with the service of the debt or money demand summons, or at any subsequent time, serve the defendant with a notice of motion and copy of the affidavit, returnable not less than four clear days after service, to show cause before the judge why the plaintiff should not be at liberty to have final judgment entered by the clerk for the amount of the debt or money demand sought to be recovered, together with interest, if any, and costs. R.S.O. 1937, c. 107, s. 92 (1), *amended.* Motion for judgment.

(2) The judge thereupon, if the reasons for immediate judgment appear to be sufficient, unless the defendant or his agent by affidavit or otherwise satisfies him that the defendant has a good defence to the action on the merits, or discloses such facts as may be deemed sufficient to entitle him to defend the action, may make an order empowering the clerk to sign final judgment. Idem.

(3) The defendant may show cause by offering to bring into court the amount sought to be recovered, or by affidavit which shall state whether the defence he alleges goes to the How defendant may show cause.

whole or to part only, and if to part only, then to what part of the claim, and the judge may, if he thinks fit, order the defendant to attend and be examined upon oath, and to produce any books and documents, or copies thereof, or extracts therefrom.

Partial
defence.

(4) If it appears that the defence applies only to a part of the claim, or that part of the claim is admitted to be due, the plaintiff shall be entitled to have final judgment entered forthwith for such part of his claim as the defence does not apply to or as is admitted to be due, subject to such terms, if any, as to suspending execution, payment of any amount levied, or any part thereof, into court by the bailiff, the taxation of costs or otherwise, as to the judge may seem just, and the defendant may be allowed to defend as to the residue of the claim.

Where one
defendant
has good
defence.

(5) If it appears to the judge that a defendant has a good defence, or ought to be permitted to defend, and that any other defendant has not such defence, and ought not to be permitted to defend, the former may be permitted to defend, and the plaintiff shall be entitled to have judgment entered against the latter, and may issue execution upon the judgment without prejudice to his right to proceed with his action against the former.

Terms upon
giving leave
to defend.

(6) Leave to defend may be given unconditionally, or subject to such terms as to giving security or otherwise, as to the judge may seem just.

Setting
aside or
varying
order.

(7) Within seven days after making the order, and upon good grounds being shown, the judge may set aside or vary the order upon such terms as to him may seem just. R.S.O. 1937, c. 107, s. 92 (2-7).

TRIALS, WITNESSES, EVIDENCE.

Judge may
summarily
dispose of
action.

91.—(1) Where a trial is to be had the defendant shall either personally or by agent, appear in the court to answer, and, on answer being made, the judge shall without further pleading or formal joinder of issue proceed in a summary way to try the action and give judgment, and if satisfactory proof is not given entitling either party to judgment, he may nonsuit the plaintiff. R.S.O. 1937, c. 107, s. 97, *amended*.

Scope of
evidence.

(2) No evidence shall be given of any cause of action except such as is contained in the claim as entered by the plaintiff, unless the judge in the special circumstances of any case otherwise directs. R.S.O. 1937, c. 107, s. 75 (1), *part, amended*.

92.—(1) The clerk shall place all actions in which the sum sought to be recovered exceeds \$100 at the foot of the trial list and the judge shall in such cases, unless an agreement not to appeal has been signed and filed as provided by section 107, take down the evidence in writing or cause the same to be taken down in shorthand by a shorthand writer appointed under section 17 of *The County Judges Act*, or by some other competent person. Actions over \$100.
Rev. Stat.,
c. 102.

(2) Where the evidence is taken down by the judge in writing it shall be left with the clerk and in the event of an application for a new trial it shall be forwarded to the judge by the clerk for the purposes of the application. Evidence taken down by judge.

(3) Where the evidence is taken down in shorthand it shall not be necessary for the shorthand writer to extend or transcribe his notes except in the case of an appeal or an application for a new trial. Shorthand writer's notes.

(4) The fees and expenses of a shorthand writer appointed under section 17 of *The County Judges Act* attending for the purpose of taking down the evidence as provided in subsection 1, shall be borne and paid in the same manner as the fees and expenses of a shorthand writer attending a sittings of a county or district court. Fees and expenses. R.S.O. 1937, c. 107, s. 98.

93. If the defendant does not appear at the trial or sufficiently excuse his absence, or if he neglects to answer, the judge, on proof of due service of the summons and particulars, may proceed with the trial in his absence, and, except where the plaintiff's claim is for unliquidated damages in case of the personal service of the summons and of detailed particulars of the plaintiff's claim, the judge may, in his discretion, give judgment without further proof. Proceedings in case defendant does not appear. R.S.O. 1937, c. 107, s. 100, *amended*.

94. The judge may adjourn the trial of an action, whether it is being tried with or without a jury, to permit either party to summon witnesses or to produce further proof, or to serve or give any notice necessary to enable him to enter more fully into his case or for any cause which the judge thinks reasonable, upon such conditions as to payment of costs and admission of evidence, or otherwise, as to him may seem just. Judge may adjourn hearing of cause. R.S.O. 1937, c. 107, s. 101.

95.—(1) A party may obtain from the clerk of any division court in the county a subpoena with or without the clause for the production of books, papers and documents, requiring any witness, resident within Ontario or served with the subpoena therein, to attend at a specified court or place before the judge, or an arbitrator appointed by him under the provisions hereinafter contained, and the clerk, when requested by a party Parties may obtain subpoenas from clerk.

or his agent, shall furnish copies of such subpoena. R.S.O. 1937, c. 107, s. 106.

Service of
subpoena.

(2) Any number of names may be inserted in a subpoena, and service thereof may be made by any literate person, personally or by leaving a copy thereof at the usual place of abode of the witness, and proof of service and of tender or payment of witness fees and mileage may be received by the judge, either orally or by affidavit. R.S.O. 1937, c. 107, s. 107.

Penalty for
disobeying
subpoena or
refusing to
be sworn.

96.—(1) Every person served with a copy of a subpoena to or for whom at the time of service a tender or payment of his witness fees and mileage has been made, who refuses or neglects without sufficient cause to obey the subpoena, and every person in court called upon to give evidence who refuses to be sworn or to give evidence, shall be liable to pay such fine not exceeding \$8 as the judge may order, and shall be also liable to imprisonment for any time not exceeding ten days on the order of the judge.

Enforcing
payment
of fine.

(2) The fine shall be levied and collected with costs by the same process as a judgment recovered in the court, and the whole or any part of the fine, after deducting the costs, shall be applicable, in the discretion of the judge, towards indemnifying the party injured by such refusal or neglect, and the remainder shall form part of the Consolidated Revenue Fund. R.S.O. 1937, c. 107, s. 108.

Power to
issue com-
missions
to take
evidence.

97.—(1) If a party is desirous of having at the trial or hearing the testimony of a person residing out of Ontario, the judge, upon hearing the parties, may order the issue of a commission out of and under the seal of the court to a commissioner to take the examination of such person.

Applicant
and
employees.

(2) An order shall not be made for the issue of a commission for taking the testimony of the party applying therefor, or of any person in his employment, unless in the opinion of the judge a saving of expenses will be caused thereby, or unless it is clearly made to appear that the party or person is aged, infirm, or unable from sickness to appear as a witness.

Persons in
Ontario.

(3) If it is made to appear to the judge that a material and necessary witness residing in Ontario is sick, aged or infirm, or that he is about to leave Ontario, and that his attendance as a witness cannot be procured, the judge may make an order appointing a suitable person to take his testimony.

Idem.

(4) An order may also be obtained for the examination of a witness who resides in a remote part of Ontario, and at a great distance from the place of trial, if it be made to appear

that his attendance cannot be procured, or that the expense of his attendance would be out of proportion to the amount involved in the action, or so great that the party desiring his attendance should not under the circumstances be required to incur the same.

(5) A copy of the order, with two days' notice of the time and place of the examination, shall be served upon the opposite party, or his agent, who may appear, and cross-examine the witness. Service of order.

(6) The rules of the Supreme Court, so far as the same are applicable, shall apply to every commission or order issued under this section. Rules S.C.O.

(7) The costs of the issue, transmission, execution and return of any commission issued or order made under this section shall be in the discretion of the judge, who may allow a sum in gross therefor, and the costs may be added to any other costs to be paid to the party entitled thereto, and may be recovered in like manner as the ordinary costs of an action. Costs of commission. R.S.O. 1937, c. 107, s. 110.

98. In an action for a debt or money demand of not more than \$25, and in case of a defence of set-off or of payment so far as it extends to \$25, the judge, on being satisfied of their general correctness, may receive the plaintiff's, defendant's or garnishee's books as evidence, and may also receive as evidence the affidavit of any party or witness resident out of the county, but may require the party or witness to answer written interrogatories upon oath. R.S.O. 1937, c. 107, s. 111. Admissibility of books of account.

99.—(1) In any action, the judge may in his discretion permit the evidence of any person out of the jurisdiction, or in some remote part of Ontario, to be given by affidavit upon such terms as to cross-examination, the answering of written interrogatories upon oath and the production of books and papers for inspection and otherwise as may be deemed necessary. When evidence may be given by affidavit.

(2) Where in the opinion of the judge expense is unnecessarily incurred by reason of any objection of either party to the reception of affidavit evidence or by cross-examination he may order that party to pay the costs of both parties occasioned by the objection. Costs occasioned by objection to affidavit evidence. R.S.O. 1937, c. 107, s. 112.

100. A barrister or solicitor, or any other person not prohibited by the judge, may appear at the trial or hearing of an action as agent for any party thereto. Who may act as agents at trial. R.S.O. 1937, c. 107, s. 102.

Judge may
give
judgment
instantly, or
postpone
judgment.

101. The judge shall, in court, openly, and as soon as may be after the trial, pronounce his decision; but if he is not then prepared to pronounce a decision he may postpone it until it is convenient for him to give it, and he shall then send it to the clerk, who shall forthwith enter the judgment and by registered post notify the parties or their agents thereof. R.S.O. 1937, c. 107, s. 114.

Order as to
payment.

102.—(1) The judge may order the times and the proportions in which any sum and costs recovered by judgment shall be paid, having regard to section 116.

Execution
not to issue
for fifteen
days after
judgment.

(2) Unless otherwise ordered, execution shall not issue within fifteen days after the entry of judgment, but the judge may order the amount of the judgment or any instalment thereof to be paid into court. R.S.O. 1937, c. 107, s. 115.

Judge's
authority
as to costs.

103.—(1) Unless otherwise provided, the costs of and incidental to all actions shall be in the discretion of the judge, who shall have full power to determine by whom and to what extent costs shall be paid.

Costs to
abide event
except by
order.

(2) If the judge does not make an order as to costs they shall abide the event of the action.

Allowance
to defendant
for attend-
ance.

(3) Where the plaintiff does not appear or does not prove his claim, the judge may award to the defendant a sum for his trouble and attendance not exceeding what he would be entitled to if a witness on his own behalf, to be recovered by execution.

Costs when
action fails
for want of
jurisdiction.

(4) Where the plaintiff fails to recover judgment by reason of the court not having jurisdiction, the judge shall nevertheless have the power conferred by subsection 1, and the recovery of the costs awarded may be enforced by the same remedies by which costs of proceedings within the proper competence of the court are recoverable. R.S.O. 1937, c. 107, s. 162.

Counsel
fee —
where action
contested;

104.—(1) Where in an action for more than \$100 which is contested as to liability or quantum, and in the cases mentioned in clauses *b* and *c* of section 108, a counsel or solicitor has been employed by the successful party in the conduct of the cause or defence, the judge may direct that a sum of \$5, to be increased according to the difficulty and importance of the case to not more than \$40 or if the case occupies more than one day, to not more than \$50, be allowed to the successful party and it shall be added to the costs. R.S.O. 1937, c. 107, s. 163, *amended*.

(2) Where in an assessment of damages upon which the defendant does not appear personally or by counsel and in which judgment is given for more than \$100, a counsel or solicitor has been employed by the plaintiff, the judge may direct that a sum of \$5, to be increased according to the difficulty and importance of the case to not more than \$25, be allowed to the plaintiff and it shall be added to the costs. where assessment uncontested ;

(2) Where any party applies for and obtains an adjournment in an action involving more than \$100 which is contested as to liability or quantum, the presiding judge may, if he is of opinion that counsel for any of the other parties has been unduly inconvenienced by the adjournment, award him a counsel fee of \$10. *New.* where adjournment.

105. Where the defendant having disputed the plaintiff's claim, afterwards and before the opening of the court, confesses judgment or pays the claim so short a time before the sittings of the court that the plaintiff cannot in the ordinary way be notified thereof, and without such notice the plaintiff *bona fide* and reasonably incurs expenses in procuring witnesses or in attending at court, the judge may order the defendant to pay such costs or such portion thereof as to him may seem just. R.S.O. 1937, c. 107, s. 164. Costs of witnesses in certain cases.

NEW TRIALS; APPEALS.

106.—(1) Upon application made within fourteen days after the trial, or where the decision is not given at the trial after the mailing of the notice of the decision to the party applying, and upon good grounds being shown, the judge, after affording the other parties to the action an opportunity to be heard, may grant a new trial upon such terms as he thinks proper. R.S.O. 1937, c. 107, s. 116 (1), *part, amended.* New trial.

(2) If reasonable excuse for the delay is shown to the satisfaction of the judge, the application may be made at any time within fourteen days after the expiration of the first-mentioned fourteen days. Extending time for application.

(3) Where the summons has not been personally served the application may be made at any time within fourteen days after the judgment has come to the knowledge of the defendant. Where personal service not effected.

(4) Instead of granting a new trial, the judge may pronounce the judgment which in his opinion ought to have been pronounced at the trial, and may order judgment to be entered accordingly. R.S.I. 1937, c. 107, s. 116 (2-4). Judgment on application for new trial.

(5) Either upon the application or upon granting a new trial the judge may make such order staying proceedings as Stay of proceedings.

he deems proper. R.S.O. 1937, c. 107, s. 116 (1), *part, amended.*

Parties may agree not to appeal.

107. An appeal shall not lie if, before the commencement of the trial, there is filed with the clerk an agreement in writing not to appeal, signed by the parties or their agents, and the judge shall note in his minutes whether the agreement was so filed or not, and the minutes shall be conclusive evidence upon that point. R.S.O. 1937, c. 107, s. 99.

Appeals to Court of Appeal.

108. Subject to section 107 an appeal shall lie to the Court of Appeal from the decision of the judge at or after the trial or upon an application for a new trial, except in cases where a new trial has been granted,

(a) in an action or garnishee proceeding where the sum in dispute exceeds \$100, exclusive of costs;

(b) in interpleader where the money or the value of the goods or chattels claimed or proceeds thereof exceed \$100, or where the damages claimed by or awarded to either party against the other or against a bailiff exceeds the sum of \$60;

(c) where the parties consent to an appeal; or

(d) where the effect of the decision is to determine that any general assessment made by a mutual insurance company is invalid; but the company, unless the Court of Appeal otherwise directs, shall pay the respondent's costs of the appeal between solicitor and client on the county court scale in any event. R.S.O. 1937, c. 107, s. 118.

Appeal where counter-claim.

109. Where a claim and counterclaim arise out of the same transaction or occurrence and an appeal is brought from the judgment upon either, the judgment upon both shall be subject to review by the court. R.S.O. 1937, c. 107, s. 119.

Agents for service where right to appeal.

110.—(1) Where an appeal lies, each party shall, before or at the trial, leave with the clerk a memorandum in writing of the name and place of abode of some person resident within the county town upon whom the notice of appeal, and all other papers thereafter requiring service, may be served for him, and service upon such person, or, in his absence, at his place of abode, shall be sufficient, and, in the event of failure to leave such memorandum, all papers requiring service upon the party so failing may be served upon the clerk, or left at his office, and the clerk shall forthwith send, by registered post, all papers so served upon him, to the person entitled thereto.

(2) This section shall not apply to a provisional judicial district. R.S.O. 1937, c. 107, s. 120. Case of judicial district.

111. The clerk shall, at the request of the appellant or his agent, certify under his hand to the Registrar of the Supreme Court at Osgoode Hall, Toronto, the summons with all notices endorsed thereon, the claim, and any notice of defence, the evidence and all objections and exceptions thereto, and all motions or orders made, granted, or refused therein, together with such notes of the judge's charge as may have been made, the decision when in writing, or the notes thereof, and all affidavits and other papers in the action, and shall furnish to the parties, when required so to do, copies of the proceedings so certified, or such part thereof as may be required, and for every copy he shall be entitled to receive five cents for every one hundred words. R.S.O. 1937, c. 107, s. 121. Certified proceedings, etc., to be furnished by clerk.

112.—(1) The appeal shall be made in the time and manner prescribed by the rules of court and shall be heard and determined by one justice in appeal. R.S.O. 1937, c. 107, s. 122 (1); 1941, c. 20, s. 5. Appeal, when and how made.

(2) After the appeal has been set down to be heard, the execution of the judgment appealed from shall be stayed pending the appeal, unless otherwise ordered by a judge of the Supreme Court. R.S.O. 1937, c. 107, s. 122 (2). Stay of proceedings.

113. On an appeal to the Court of Appeal under this Act, the Court of Appeal shall have the same powers and duties as in an appeal coming before it under *The County Courts Act* and the practice and procedure applicable thereto shall *mutatis mutandis* apply to appeals under this Act. *New.* Powers and duties of Court of Appeal. Rev. Stat., c. 103.

114. The costs taxable between party and party of and incidental to an appeal shall be the actual disbursements, and no greater amount over and above actual disbursements than \$25 inclusive of counsel fee, and the costs of an appeal between solicitor and client shall be taxable on the county court scale. R.S.O. 1937, c. 107, s. 123, *amended.* Taxable costs on appeal.

JUDGMENTS; EXECUTIONS; TRANSCRIPTS.

115.—(1) Where the judge gives judgment or makes an order for the payment of money and default is made in payment of the whole or of any part thereof, the party in whose favour the order has been made shall be entitled to execution against the goods and chattels and, subject to section 125, the land of the party in default. R.S.O. 1937, c. 107, s. 165 (1); 1941, c. 20, s. 6 (1). When money not paid pursuant to order, execution to issue.

Form of
execution.

(2) The clerk, at the request of the party prosecuting the judgment or order, shall issue an execution to a bailiff of the court, or to a bailiff of any other court within the county, who by virtue thereof shall levy by distress and sale of the goods and chattels of the party in default such sum and costs, with interest thereon from the date of the order or of the entry of the judgment, as have been ordered to be paid and remain due, and shall pay the same over to the clerk. R.S.O. 1937 c. 107, s. 165 (2).

Jurisdiction
of bailiff.

(3) The bailiff of any division court shall have jurisdiction throughout the county to enforce execution and levy by distress and sale of the goods and chattels of the debtor the amount of any judgment and costs and to carry out all other process and proceedings to enforce payment of the judgment, and where the limits of a division court include parts of two counties such jurisdiction shall apply throughout both of such counties, provided that where a bailiff goes outside the limits of the division for which he is appointed under this subsection he shall not be entitled to any mileage allowance in respect of travelling outside of such division. 1941, c. 20, s. 6 (2).

Execution
not to be
postponed
for more
than fifty
days.

116. Except where a new trial is granted, the issue of execution shall not be postponed for more than fifty days from the service of the summons, without the consent of the party entitled thereto; but if it is proved to the satisfaction of the judge that a party is unable, from sickness or other cause, to pay the debt or damages recovered against him, or any instalment thereof ordered to be paid, or that for any other reason the issue of execution should be further postponed, the judge may stay the judgment, order or execution for such time and on such terms as he thinks fit, and so from time to time until it is proved that the cause of disability has ceased. R.S.O. 1937, c. 107, s. 117.

Cross
judgments
may be
set off.

117. If there are cross judgments between the parties, the party who has obtained judgment for the larger sum shall have execution for the excess and satisfaction for the remainder, and also satisfaction on the judgment for the smaller sum shall be entered; and if both sums are equal, satisfaction shall be entered upon both judgments. R.S.O. 1937, c. 107, s. 166.

Writs of
execution,
where to be
executed.

118. Except in actions brought under section 65, an execution or attachment shall not be executed out of the limits of the county over which the judge of the court from which the same issues has jurisdiction. R.S.O. 1937, c. 107, s. 167.

119. Where the party against whom an execution has been issued pays or tenders to the clerk or to the bailiff, before an actual sale of his goods and chattels, the amount to be levied or so much thereof as the party in whose favour the execution has issued agrees to accept in full of his debt, together with the fees to be levied, the execution shall thereupon be superseded, and the bailiff shall withdraw from possession. R.S.O. 1937, c. 107, s. 168.

Effect of
payment of
execution
before sale.

120.—(1) The clerk, immediately after a return of *nulla bona* has been made to an execution issued on a transcript of judgment, shall forward by registered post to the plaintiff and to the clerk who issued the transcript a notice informing them of the date at which the execution issued, the date at which it was returned by the bailiff, and the return made.

Notice to
plaintiff of
nulla bona
return.

(2) The clerk shall file among the papers in the action the post-office certificate of registration, and the absence from amongst the papers of the certificate shall be *prima facie* evidence against the clerk that the notice was not forwarded. R.S.O. 1937, c. 107, s. 169.

Registration
certificate
to be filed.

121. Where a memorandum of the amount of a judgment or execution or a certificate of a claim within the jurisdiction of a division court is filed with a sheriff under *The Creditors Relief Act*, and the amount is not paid in full, and the sheriff is unable to make the money thereon, the creditor may obtain from the sheriff a return according to the fact and file the same with the clerk of the court in which the judgment was recovered, or, in the case of a certificate of a claim, with the clerk of the court of the division where the cause of action arose, or the debtor, or one of the debtors, if more than one, resides, and the clerk shall enter the return in his procedure book, and in the latter case the claim shall thereupon become a judgment of the court for the unpaid balance due thereon appearing by the return, and may be enforced in the same manner as a judgment of the division court. R.S.O. 1937, c. 107, s. 170.

Enforcing
claims under
*Creditors
Relief Act*
in division
courts.

Rev. Stat.,
c. 126.

122. In the case of the death of either or both of the parties to a judgment, the party in whose favour the judgment has been entered, or his personal representative in case of his death, may in the prescribed form revive the judgment against the other party, or his personal representative in case of his death, and may issue execution thereon. R.S.O. 1937, c. 107, s. 171.

Revivor of
judgment in
case of death
of party.

123.—(1) Every execution against goods shall bear the date of its issue and shall be returnable immediately after the execution thereof, and, if unexecuted shall remain in force for three months, unless renewed, but may be renewed

Execution,
when dated
and
returnable.

from time to time in the prescribed manner by the clerk at the instance of the execution creditor for six months from the date of the renewal. R.S.O. 1937, c. 107, s. 172 (1), *amended*.

Priority of execution.

(2) The execution so renewed shall have effect and be entitled to priority according to the time of the original delivery thereof to the bailiff. R.S.O. 1937, c. 107, s. 172 (2).

Judge may order an execution to issue before regular day.

124. Where the judge is satisfied by the oath of the execution creditor or by other testimony that he will be in danger of losing the amount of the judgment if compelled to wait until the day appointed for the payment thereof before an execution can issue, the judge may order an execution to issue at such time as he may deem just. R.S.O. 1937, c. 107, s. 173.

Executions against lands.

125.—(1) Where the sum remaining unsatisfied on a judgment amounts to \$40 or upwards, the judgment creditor shall be entitled to an execution against the land of the judgment debtor, and the clerk, at the request of the party prosecuting the judgment, shall issue an execution against the land of the judgment debtor directed to the sheriff of any county. R.S.O. 1937, c. 107, s. 174 (1); 1941, c. 20, s. 7.

Effect of execution.

(2) The execution shall have the same force and effect as an execution issued from a county court.

Notice to debtor.

(3) Where an execution against lands has been placed in the hands of the sheriff he shall give notice thereof to the judgment debtor by registered letter addressed to him at his present or last known residence.

Sheriff's return to be made to clerk.

(4) The sheriff shall make a return thereof and pay any money made thereon to the clerk of the court out of which the execution issued.

Further proceedings by execution creditor.

(5) Until the judgment is fully satisfied, the execution creditor may pursue the same remedy for the recovery thereof as if the judgment had been obtained in the county court.

Duration and renewal of writ.

(6) The writ, if unexecuted, shall remain in force for three years only from its issue unless renewed, but may be renewed from time to time in the prescribed manner by the clerk at the instance of the execution creditor for three years from the date of the renewal.

Formal effect of renewal.

(7) The execution may be renewed by being marked on the margin with a memorandum signed by the clerk stating the day, month and year of the renewal, and a writ so re-

newed shall have effect and be entitled to priority according to the time of the original delivery thereof to the sheriff.

(8) The production of an execution purporting to be marked with the memorandum shall be *prima facie* evidence of its having been renewed. Evidence of renewal.

(9) The sheriff shall be entitled to the same fees as upon a writ of execution against land issued from a county court. Fees on writ against lands.

(10) Where land is on hand for want of buyers a sheriff to whom the execution is directed may endorse thereon a return of "land on hand for want of buyers" and shall return a certificate of the endorsement to the clerk of the division court from whose office the execution issued in lieu of the writ, and the endorsement and the certificate so returned shall be deemed a return of the writ, and thereupon a writ of *venditioni exponas* may be issued by the clerk for the sale of the land and the original execution shall remain in force for the residue. R.S.O. 1937, c. 107, s. 174 (2-10). Certificate in lieu of execution.

126. The bailiff, after making a seizure under an execution against goods, shall endorse thereon the date of the seizure, and shall immediately and at least eight days before the time appointed for the sale put up at three of the most public places in the division where any property liable to be sold under the execution has been taken, public notice, signed by himself, of the time and place within the division when and where it will be exposed for sale, and the notice shall describe the property taken. R.S.O. 1937, c. 107, s. 176. Bailiff after seizure of goods to endorse date of seizure and give notice of sale.

127. The property so taken shall not be sold until the expiration of eight days at least after the seizure thereof, unless upon the request in writing under the hand of the party whose property has been seized. R.S.O. 1937, c. 107, s. 177. Goods not to be sold until eight days after seizure.

128. Where a bailiff has seized property under an execution or attachment and the action is afterwards settled between the parties, or the defendant makes an assignment for the general benefit of his creditors, the bailiff, until his fees and disbursements are fully satisfied, shall have a lien therefor upon so much of the property as will reasonably satisfy the same; but in the event of a dispute as to the proper amount of the fees and disbursements, the amount claimed therefor may be paid into court until the proper amount is certified by the judge, and on such payment into court the lien shall cease. R.S.O. 1937, c. 107, s. 179. Bailiff's fees when action settled.

129.—(1) The clerk, upon the application of a person having an unsatisfied judgment in his favour, shall prepare a transcript of the judgment in the prescribed form, and shall Transcript of unsatisfied judgment.

send the same to the clerk of any other division court, whether in the same or in any other county, with a certificate at the foot thereof signed by him, sealed with the seal of the court, and addressed to the clerk of the court to whom it is to be sent, stating the amount unpaid upon the judgment, the date at which the same was recovered, and the post-office address of the person applying for the transcript, and the clerk to whom the certificate is addressed shall, on the receipt of the transcript and certificate, enter the transcript and the amount due on the judgment according to the certificate in a book to be kept in his office for the purpose, and all proceedings may be taken for enforcing the judgment in such last-mentioned court.

Proceedings
stayed.

(2) After a transcript has been issued under this section, no further proceedings shall be had in the court from which the transcript issued without an order from the judge, unless the person who obtained the transcript, or his agent, makes and files with the clerk an affidavit stating,

- (a) that the judgment remains unsatisfied in whole or in part;
- (b) that the execution issued out of the court to which the transcript was sent has been returned *nulla bona*, or that he believes the judgment debtor has not sufficient goods in the division of that court to satisfy the judgment,

and upon the affidavit being filed, the clerk may issue such other process as the applicant may be entitled to and may direct. R.S.O. 1937, c. 107, s. 180.

JUDGMENT SUMMONS; SHOW CAUSE SUMMONS.

Judgment
summons.

130.—(1) A party having an unsatisfied judgment may procure from the court out of which execution might issue, if the judgment debtor resides or carries on business within the limits of that court, a judgment summons.

Judgment
summons,
issue of.

(2) Where a judgment debtor resides or carries on business within the limits of a city where there are two or more division courts having territorial jurisdiction within the limits of the city, a judgment summons may issue out of any such court in which the judgment has been recovered or in which a transcript of judgment has been entered. R.S.O. 1937, c. 107, s. 182 (1, 2).

Affidavit
required
before
judgment
summons.

(3) Before the summons is issued the judgment creditor, or his agent, shall make and file with the clerk an affidavit stating,

- (a) that the judgment remains unsatisfied in whole or in part; and
- (b) in the case of a second or subsequent summons that the deponent believes that the judgment debtor sought to be examined is able to pay the amount due in respect of the judgment or some part thereof, or that he has rendered himself liable to be committed to jail under this Act. R.S.O. 1937, c. 107, s. 182 (3), *amended*.
- (4) The summons shall be served personally upon the judgment debtor at least eight days before the return day, and if he appears he may be examined upon oath as to any and what debts are owing to him and touching his estate and effects, and the manner and circumstances under which he contracted the debt or incurred the damages or liability which formed the subject of the action, and as to the means and expectation he then had, and as to the property and means he still has of discharging the judgment debt, and as to the disposal he has made of any property. Examination of judgment debtor.
- (5) The party obtaining the summons and all witnesses whom the judge thinks requisite may be examined upon oath, touching the inquiries. Examination of witnesses.
- (6) The examination shall not be held in open court unless the judge so directs. R.S.O. 1937, c. 107, s. 182 (4-6). Place of examination.
- (7) After the examination or upon written consent signed by the judgment debtor or his solicitor the judge may make such order as to payment of the judgment and as to the time and manner thereof as he deems proper. *New.* Order as to payment.
- (8) The costs of the summons and of all proceedings thereon shall be costs in the action, unless the judge otherwise directs. R.S.O. 1937, c. 107, s. 182 (7). Costs.
- (9) If, after the examination, the judge dismisses the summons, no further judgment summons shall issue out of the same court against the judgment debtor at the suit of the same or any other creditor for a period of six months except upon an affidavit satisfying the judge that since the examination the party has acquired the means of paying or that he did not then make a full disclosure of his estate, effects and debts upon the examination. R.S.O. 1937, c. 107, s. 182 (8), *amended*. Party examined and discharged not to be again summoned.
- 131.**—(1) A party who has examined a judgment debtor under a judgment summons may procure a show cause summons from the court out of which the judgment summons issued where the judgment creditor or his agent makes and files with the clerk of the court an affidavit deposing, Show cause summons.

- (a) the particulars of the judgment and the amount thereof that remains unsatisfied;
- (b) the particulars of the examination upon the judgment summons and of the order for payment that was made; and
- (c) that the judgment debtor is in default under the order for a period of not less than fourteen days and the particulars thereof.

Service.

(2) The summons shall be served personally upon the judgment debtor at least eight days before the return day and if he appears he may be examined upon oath as to his default under the order for payment.

Determina-
tion re
default.

(3) At the hearing the judge shall determine whether the default under the order for payment has been wilful.

Where
default
wilful.

(4) Where the judge finds that the default has been wilful he may commit the judgment debtor under section 132 for contempt of court.

Where
default not
wilful.

(5) Where the judge finds that the default was not wilful the judgment debtor may be examined as upon a judgment summons and the judge may make an order accordingly.
New.

When
judgment
debtor may
be com-
mitted to
jail.

132. If the party summoned;

- (a) does not attend as required by the summons, or at any subsequent date to which the hearing or examination is adjourned, or give a sufficient reason for not attending; or
- (b) attends and refuses to be sworn or to answer such questions as in the opinion of the judge are proper,

or, if it appears to the judge, by the examination of the party or by other evidence, that he,

- (c) obtained credit from the judgment creditor or incurred the debt or liability under false pretences, or by means of fraud or breach of trust; or
- (d) has made or caused to be made any gift, delivery or transfer of any property, or has removed or concealed the same with intent to defraud his creditors or any of them; or
- (e) had, when or since judgment was obtained against him, sufficient means and ability to pay the debt or damages or costs recovered against him, either

altogether or by the instalments which the court, in which the judgment was obtained, ordered, without depriving himself or his family of the means of living, and that he has wilfully refused or neglected to make payment as ordered,

the judge may order him to be committed to the common jail of the county in which he resides or carries on business, for any period not exceeding forty days. R.S.O. 1937, c. 107, s. 183.

133. A party failing to attend in answer to a judgment summons or show cause summons shall not be liable to be committed for the default, unless the judge is satisfied that his non-attendance is wilful. R.S.O. 1937, c. 107, s. 184 (1), *amended*. When party may be committed for non-attendance.

134.—(1) Where a judge has ordered a judgment debtor to be committed to jail, the order shall be enforced by the bailiff unless the judge directs that the judgment debtor appear before him at a named time and place to explain his contempt in which case notice thereof shall be sent to the judgment debtor by registered post. Enforcement of committal order.

(2) Where the judgment debtor appears to explain his contempt, Appearance to explain contempt.

(a) if the judge is of opinion that the default was wilful he shall order the bailiff to enforce the warrant of commitment; and

(b) if the judge is of opinion that the default was not wilful he shall order the judgment debtor to attend for examination at the next sittings of the court to be held for the hearing of judgment summonses and in the event that the judgment debtor does not so attend the judge presiding at the sittings may order that he be forthwith committed to jail.

(3) Where the judgment debtor does not appear at the time and place named in the notice, the judge may direct that the warrant of commitment be enforced. *New*. Non-appearance to explain contempt.

135. Where at the hearing upon a judgment summons or show cause summons it appears to the judge by the examination of the party, or otherwise, that he ought not to have been summoned, or if the judgment creditor or his agent does not appear, the judge may award the party summoned compensation for his trouble and attendance, to be recovered against the judgment creditor in the same manner as a judgment of the court. R.S.O. 1937, c. 107, s. 184 (2), *amended*. Costs allowed him in certain cases.

Warrant of
commitment.

136.—(1) Where an order of commitment has been made, the clerk shall issue, under the seal of the court, a warrant of commitment directed to the bailiff of any court within the county, upon which shall be endorsed a memorandum of the amount due under the judgment, and the bailiff may, by virtue of the warrant, take the party and deliver him to the keeper of the jail in which he has been directed to be imprisoned.

Constables,
etc., to
execute
warrants.

(2) All constables and other peace officers within their respective jurisdictions shall aid in the execution of the warrant, and the keeper of the jail shall receive and keep the party therein until discharged under this Act, or otherwise, in due course of law. R.S.O. 1937, c. 107, s. 186.

When debtor
in custody
shall be
discharged.

137. A party shall be discharged out of custody,

(a) by order of the judge; or

(b) at the expiration of the time prescribed in the warrant of commitment. R.S.O. 1937, c. 107, s. 187, *amended*.

Alteration
of order
for payment;

138.—(1) The judge may rescind or alter the order for payment made upon a judgment summons or show cause summons and make any further or other order for the payment of the debt or damages recovered and costs forthwith, or by instalments, or in any other manner that he thinks reasonable.

order of
commitment.

(2) The judge may rescind or alter or stay the operation of any order of commitment made by him, whether or not it has been acted on. R.S.O. 1937, c. 107, s. 188, *amended*.

Examination
of officer
of company.

139.—(1) A party having an unsatisfied judgment against an incorporated company may issue a summons calling upon any officer of the company to attend before the judge and submit to examination as to the property and assets of the company and its dealings with them and if the person summoned fails to attend or to submit to examination he shall be liable to be committed to the common jail for any period not exceeding forty days.

Summons.

(2) The summons shall be issued and served as nearly as may be in the same manner as in the case of a summons to a judgment debtor. R.S.O. 1937, c. 107, s. 189.

Debt not
to be
extinguished
by im-
prisonment.

140. Imprisonment under this Act shall not extinguish the judgment or affect any order for payment which has been made or protect the judgment debtor from being summoned anew and imprisoned for any new fraud or other default rendering him liable to be imprisoned, or deprive the judgment creditor of the right to execution on his judgment. R.S.O. 1937, c. 107, s. 190, *amended*.

GARNISHEE PROCEEDINGS.

141. For the purposes of garnishee proceedings under this ^{Interpre-} Act, ^{tation.}

- (a) money which is earned or owing, although not yet due or payable, is deemed to be "owing or accruing"; and
- (b) a reference to the amount of the judgment creditor's judgment or the plaintiff's claim or words of like import is deemed to include the amount of costs which have been incurred. *New.*

142.—(1) After judgment has been recovered, the clerk ^{Garnishee} of the court in which the judgment was recovered or the clerk ^{after} judgment. of the court to which the judgment has been transcribed shall, upon the filing of an affidavit as required by subsection 2, issue a direction to garnishee directing that all debts owing or accruing to the judgment debtor be attached to satisfy the judgment.

(2) Upon the making of the application there shall be ^{Material on} filed with the clerk an affidavit stating, ^{application.}

- (a) the date and amount of the judgment and the amount remaining unsatisfied;
- (b) that the deponent has reason to believe that the person sought to be named as garnishee,
 - (i) resides or carries on business in the county where the court is located, and
 - (ii) is indebted to the judgment debtor;
- (c) where the judgment creditor intends to effect service of the direction by prepaid registered post, the address where the judgment debtor and garnishee reside or carry on business; and
- (d) where the judgment creditor seeks to obtain a direction to garnishee in respect of wages and without exemption, that the debt was incurred for board or lodging or that the judgment debtor is an unmarried person having no one dependent upon him for support.

(3) The direction to garnishee which shall be in the ^{Preparation} prescribed form and the affidavit used upon the application ^{of affidavit} therefor shall be prepared, ^{and} ^{direction.}

- (a) where the judgment creditor has a solicitor or agent, by the solicitor or agent; and
- (b) where the judgment creditor has not a solicitor or agent, by the judgment creditor or, if he so requests, by the clerk of the court. R.S.O. 1937, c. 107, s. 140, *amended*.

Notices
upon a
direction.

143. The following notices shall appear upon every direction to garnishee:

A

NOTICE TO GARNISHEE

Within ten days after the mailing to you or personal service upon you of this direction you are required to either,

- (a) pay to the clerk of the court the amount owing or accruing from you to the judgment debtor or sufficient thereof to satisfy the judgment of the judgment creditor including costs; or
- (b) file with the clerk of the court a statement signed by you stating,
 - (i) that at the time of the receipt by you of this direction to garnishee there was no money owing or accruing from you to the judgment debtor, and
 - (ii) where you rely upon a statutory or other defence or set-off, the particulars thereof.

Where an amount less than the amount of the judgment debt is paid to the clerk of the court, you are required to file with the clerk a statement signed by you in explanation thereof.

Upon your default in complying with the requirement above set out the judgment creditor may apply to the court for judgment against you, the garnishee, for an amount equal to the unpaid portion of his judgment against the judgment debtor and for his costs.

Where the amount sought to be garnished is wages this notice shall be read subject to the provisions of *The Wages Act*.

B

NOTICE TO JUDGMENT DEBTOR

At any time within ten days after the mailing to or personal service upon you of this direction you may dispute this direction to garnishee or any of the statements therein contained by filing with the clerk of the court a notice setting out the particulars of your dispute.

C

NOTICE TO ALL PARTIES TO THIS PROCEEDING

Any of the parties to this proceeding, that is to say, any judgment creditor, judgment debtor or garnishee, may in writing request the clerk of the court to place it upon the trial list in order that the rights of any such party may be determined.

New.

144.—(1) The direction to garnishee shall be served upon both the judgment debtor and the garnishee as soon as may be convenient, and in any event not more than fifteen days after its issue. Process of direction to garnishee.

(2) Service may be effected,

Method of service.

(a) by personal service; or

(b) by prepaid registered post mailed to each or either of them at the address set out in the affidavit referred to in section 142. *New.*

145. Service upon the garnishee of the direction to garnishee shall have the effect, subject to the rights of other persons, of attaching and binding in his hands all debts then owing or accruing from him to the judgment debtor and payment by the garnishee into court of the debt so attached to the extent to which the judgment is unsatisfied shall be to that extent a discharge of such debt. R.S.O. 1937, c. 107, s. 141 (1), *amended*. Effect of service.

146. Subject to any request for a hearing by a judge, money paid into court by a garnishee pursuant to a direction to garnishee shall, upon the filing with the clerk of an affidavit proving service upon the judgment debtor of the direction to garnishee, be paid out to the judgment creditor but no such payment to the judgment creditor shall be made until fifteen days after the date of such service. R.S.O. 1937, c. 107, s. 141 (2), *amended*. Payment out.

147. Payment by the garnishee after service on him of the direction to garnishee, otherwise than into court, except by leave of the judge, shall, to the extent of the judgment creditor's claim and costs, be void, and the garnishee shall be liable to again make payment, to the extent of the judgment creditor's claim, unless the judge otherwise orders. R.S.O. 1937, c. 107, s. 142, *amended*. Payment to any but primary creditor void.

148.—(1) Where any party requests the clerk in writing to place the proceeding upon the trial list, the clerk shall place it upon the list for the first court day in respect of which notice as herein required may be given and at least ten days prior to such day shall mail notice thereof by prepaid registered post to each of the parties to the proceeding. Hearing required.

(2) Upon the hearing, the judge shall determine the matter in a summary manner and make such order as he deems fit and where the garnishee has defaulted under the notice lettered A set out in section 143 he may give judgment in favour of the judgment creditor against the garnishee. Disposition at hearing.

Defences
of garnishee.

(3) Upon a hearing, in determining any question of liability as between the judgment debtor and the garnishee, the judge shall have regard to any statutory or other defence or set-off which has been set up by the garnishee. *New.*

Adverse
claims.

149. Where a person other than the judgment creditor or judgment debtor claims to be entitled to the debt owing or accruing from the garnishee or any part thereof by assignment or otherwise, the judge, after notice to all persons interested, may inquire into and decide upon the claim, and where there is more than one claim decide upon the priority in which the respective claims are entitled to rank on the debt as the justice of the case may require. R.S.O. 1937, c. 107, s. 154 (1), *amended.*

Costs where
garnishee
unsuccessful.

150. Where a direction to garnishee has been issued and no moneys are realized thereon the costs thereof shall not be costs against the judgment debtor unless the judge, who may give his direction upon an *ex parte* application, otherwise directs. *New.*

Garnishee
before
judgment.

151.—(1) Where a judgment has not been recovered a plaintiff in an action in which a debt or money demand summons may be issued may cause to be issued out of the court of the division in which the garnishees, or one of them if they are joint garnishees, reside or carry on business, a garnishee summons with the particulars of his claim against the defendant with reasonable certainty and detail attached thereto or endorsed thereon.

Summons
to be
deemed
debt or
money
demand
summons.

(2) As between the plaintiff and the defendant the garnishee summons shall be deemed a debt or money demand summons, and the provisions of this Act applicable to a debt or money demand summons and proceedings thereon shall apply.

Service of
summons.

(3) A copy of the garnishee summons and particulars shall be served on the defendant and on the garnishee in the manner provided for the service of a summons in other actions. R.S.O. 1937, c. 107, s. 147 (1, 2, 4), *amended.*

Form of
garnishee
summons.

152. A garnishee summons shall be in the same form as a summons to a defendant but,

(a) the name of the garnishee shall appear in the style of cause; and

(b) the following notice shall appear thereon:

NOTICE TO GARNISHEE

Within ten days of the service upon you of this summons you are required to either,

- (a) pay to the clerk of the court the amount owing or accruing from you to the defendant or sufficient thereof to satisfy the claim of the plaintiff including costs; or
- (b) file with the clerk of the court a statement signed by you stating,
 - (i) that at the time of the receipt by you of this summons there was no money owing or accruing from you to the defendant, and
 - (ii) where you rely upon a statutory or other defence or set-off, the particulars thereof.

Where an amount less than the amount of the judgment debt is paid to the clerk of the court, you are required to file with the clerk a statement signed by you in explanation thereof.

Upon your default in complying with the requirements above set out the plaintiff may apply to the court for judgment against you, the garnishee, for an amount equal to the unpaid portion of any judgment he may recover in this action against the defendant and for his costs.

New.

153. Service upon the garnishee of a garnishee summons shall have the same effect and consequence as service of a direction to garnishee. R.S.O. 1937, c. 107, s. 150, *amended*. Effect of summons.

154.—(1) Where judgment is obtained against the defendant under sections 88, 89 or 90, or is obtained at the trial, or where judgment is not then given, on proof of the service on the defendant of a copy of the garnishee summons and particulars, and of the debt due and owing by the defendant, the judge, on proof of the amount owing or accruing due to the defendant from the garnishee, may give judgment against the garnishee in the prescribed form for the amount so owing or accruing from him or sufficient thereof to satisfy the claim of the plaintiff and costs, which sum the garnishee shall pay into court towards the satisfaction of the claim and costs, and, in default, execution may issue therefor, if due, or as it becomes due, or at such later period as the judge may order. R.S.O. 1937, c. 107, s. 148. Judgment against garnishee.

(2) Where the garnishee in a statement signed by him and filed with the clerk of the court sets up a statutory or other defence or set-off, he shall be given notice of a hearing at which he may furnish proof of such defence or set-off before judgment is given against him. *New.* Hearing of garnishee.

155. Where a person other than the plaintiff or defendant claims to be entitled to the debt owing or accruing from the garnishee or any part thereof by assignment or otherwise, Adverse claims.

the judge, after notice to all persons interested, may inquire into and decide upon the claim and, where there is more than one claim, decide upon the priority in which the respective claims are entitled to rank on the debt as the justice of the case may require. R.S.O. 1937, c. 107, s. 154 (1), *amended*.

CONSOLIDATION ORDERS.

Application
for consoli-
dation order.

156.—(1) A judgment debtor against whom more than one division court judgment remains unsatisfied in whole or in part may apply to the judge of the court of the division in which he resides for a consolidation order.

Material on
application.

(2) Upon the application, the judgment debtor shall file his own affidavit setting forth,

- (a) the names and addresses of the creditors who have obtained judgment against him in a division court, the date, amount and other particulars of each judgment, and the amount that he owes to each such judgment creditor;
- (b) the amount of his income from all sources, naming them;
- (c) his business or occupation, and the address of his employer;
- (d) a statement of his family or like obligations and of any other relevant facts.

Disposition
ex parte or
upon notice.

(3) Upon the application the judge may make a consolidation order *ex parte* or may give such directions as to notice as he deems fit.

Computa-
tion of
amounts.

(4) Before making a consolidation order the judge shall determine the average weekly income of the judgment debtor for the three-month period immediately prior to the making of the application, making all proper allowances where the occupation is of a seasonal nature and shall order the following amounts, calculated to the nearest dollar, to be paid into court under the consolidation order, subject always to any variation which, because of extenuating or other special circumstances, the judge may deem proper,

- (a) fifteen per centum of the average weekly income where the average weekly income does not exceed \$30;
- (b) twenty per centum of the average weekly income where the average weekly income exceeds \$30 and does not exceed \$40;

(c) twenty-five per centum of the average weekly income where the average weekly income exceeds \$40 and does not exceed \$50;

(d) thirty per centum of the average weekly income where the average weekly income exceeds \$50.

(5) A consolidation order shall set out,

Particulars
of order.

(a) a list of the division court judgments outstanding against the judgment debtor indicating in each case the date, court and amount and the amount still outstanding;

(b) the amounts to be paid into court by the judgment debtor under the consolidation order; and

(c) the times of such payments. *New.*

157.—(1) The original consolidation order shall be filed with the clerk of the court in which it is made and a copy thereof, certified by such clerk, may be filed by the judgment debtor in any other division court.

Filing order
and copies.

(2) Upon the filing of the original consolidation order the clerk shall open a consolidation account in the name of the judgment debtor and shall credit thereto all payments made under the consolidation order. *New.*

Consolidation
account.

158.—(1) Where any judgment creditor objects to the amount directed to be paid or to any other judgment creditor being included in the consolidation order, he may apply to the judge for an appointment to determine the matter.

Objection
by creditor.

(2) Notice of the appointment shall be mailed by prepaid registered post to such persons as the judge may direct, and upon the appointment the judge shall deal with the matter in a summary manner, and his determination shall be final. *New.*

Judge's
deter-
mination.

159. Where any person obtains a judgment after the date of the consolidation order, he may deliver to the clerk of the court in charge of the consolidation order a notice of his judgment and his name shall forthwith be added to the consolidation order, and he shall thereafter share in the distribution under the consolidation order. *New.*

Judgment
after order.

160. A judgment debtor in respect of whom a consolidation order has been made may, either before default has occurred or not later than the tenth day after default has occurred, apply to the judge for a stay of proceedings and upon notice

Stay of pro-
ceedings.

of the hearing being mailed to all judgment creditors, or such of them as the judge may direct, by prepaid registered post the judge shall hear the application and may by order grant such stay of proceedings as he deems fit or may dismiss the application. *New.*

Effect of
order.

161.—(1) Subject to subsection 2, no garnishee summons and no proceedings subsequent to judgment shall be taken or continued against the judgment debtor named therein in a division court in which a consolidation order or a certified copy thereof is filed.

Default.

(2) Where a judgment debtor is in default under a consolidation order for a period of twenty days the consolidation order shall, subject to any order under section 160 which may have been made prior to such date, be *ipso facto* terminated and any judgment creditor named in the consolidation order may obtain from the clerk of the court in which the consolidation order was made a certificate of termination for the purpose of filing it in any court in which a copy of the consolidation order is filed. *New.*

Property
in moneys.

162.—(1) All moneys paid to a consolidation account shall belong to the judgment creditors named in the consolidation order who shall share *pro rata* in the distribution of the moneys.

Distribution.

(2) The clerk shall distribute the moneys paid into the consolidation account on account of the judgments at least once every three months, and at the time of distribution shall send to each creditor a distribution sheet showing the total amount paid, and the distribution thereof.

Basis of
distribution.

(3) The distribution shall be on a *pro rata* basis according to the amount of each of the judgments filed with the clerk, or as nearly so as is practicable to the nearest dollar.

Fees of
clerk.

(4) The clerk shall be entitled to a fee of ten per centum of the amount paid in of which amount five per centum shall be charged to the judgment creditors and five per centum to the judgment debtor.

Excise
stamps;
postage.

(5) The amount of excise stamps and postage shall be deducted from the amounts paid to the judgment creditors.

ABSCONDING DEBTORS.

Warrant for
attachment.

163. Where a person indebted in a sum not less than \$4, either for debt or damages arising upon a contract, and recoverable in or upon a judgment of a division court,

- (a) absconds from Ontario, leaving personal property liable to seizure under execution for debt in any county; or
- (b) attempts to remove such personal property out of Ontario or from one county to another therein with intent to defraud; or
- (c) keeps concealed to avoid service of process,

the clerk of any division court, upon the application of the creditor, and upon his filing an affidavit in the prescribed form made by him, his agent or servant, shall issue a warrant in the prescribed form, directed to the bailiff of the county from which the same issued; or to a constable of the county, commanding him to attach, seize, take and safely keep all the personal estate and effects of such person within the county, liable to seizure under execution for debt, or a sufficient part thereof to secure the sum mentioned in the warrant with costs, and to return the warrant forthwith to the court. R.S.O. 1937, c. 107, s. 192.

164. The affidavit in section 163 mentioned may be taken before a judge or a justice of the peace, and, upon the filing thereof with him, he may issue a warrant under his hand and seal in the form mentioned in section 163, and he shall forthwith transmit the affidavit to the clerk of the court within whose division the same was taken, to be by him filed. R.S.O. 1937, c. 107, s. 193.

When county judge or justice of the peace may issue attachments, etc.

165. Upon receipt of a warrant by the bailiff or constable, and upon being paid his lawful fees, including the fees for appraisement, he shall forthwith execute the warrant, and make a true inventory of all the estate and effects which he seizes and takes by virtue thereof, and shall, within twenty-four hours after seizure, call to his aid two freeholders, who, being first sworn by him to appraise the estate and effects seized, shall then appraise the same, and the bailiff or constable shall forthwith return the inventory attached to the appraisement to the clerk. R.S.O. 1937, c. 107, s. 194.

Bailiff or constable to seize and make inventory.

166. In an action commenced by attachment the proceedings may be conducted to judgment and execution in the court of the division within which the warrant issued. R.S.O. 1937, c. 107, s. 195.

Proceedings may be continued in same court.

167. Where proceedings have been commenced before the issue of an attachment they may be continued to judgment and execution in the court in which the proceedings were commenced. R.S.O. 1937, c. 107, s. 196.

Proceedings commenced before attachment.

Property attached may be sold under execution.

168. The property attached upon a warrant of attachment shall be liable to seizure and sale under the execution to be issued upon the judgment, and if the property was perishable and has been sold, the proceeds thereof shall be applied in satisfaction of the judgment. R.S.O. 1937, c. 107, s. 197.

Plaintiff not to divide cause of action.

169. A plaintiff shall not divide a cause of action into two or more actions for the purpose of bringing the same within the provisions of sections 163 to 168, but a plaintiff having a cause of action for which, but for the amount of the claim, an attachment might be issued may abandon the excess, and the judgment shall be a full discharge of all demands in respect of the cause of action, and the entry of judgment shall be made accordingly. R.S.O. 1937, c. 107, s. 198.

If several attachments issued. Rev. Stat., c. 127.

170. Subject to *The Absconding Debtors Act*, where there are several attachments against a party, the proceeds of the property attached shall not be paid over to the attaching creditors according to priority, but shall be rateably distributed among such of them as obtain judgment against the debtor, in proportion to the amounts actually due upon their judgments, and no distribution shall take place until, in the opinion of the judge, reasonable time has been allowed to the creditors to proceed to judgment. R.S.O. 1937, c. 107, s. 199.

If goods insufficient to satisfy claims of all attaching creditors.

171. Where the proceeds of the property are insufficient to satisfy the claims of all the attaching creditors, a creditor shall not be allowed to share, unless he sued out his attachment and gave notice thereof to the clerk of the court out of which the first attachment issued or into which it was returnable, within one month next after the issue of the first attachment. R.S.O. 1937, c. 107, s. 200.

Goods seized by constable to be delivered to bailiff.

172.—(1) Where property is attached under sections 163 to 171 by a constable, it shall be forthwith handed over to the bailiff of the court out of which the warrant of attachment issued, or into which it was made returnable.

Custody of goods seized under attachment.

(2) Property attached by a bailiff under sections 163 to 171, and the property delivered to him under subsection 1, shall remain in custody of the bailiff, and he shall keep it until disposed of according to law. R.S.O. 1937, c. 107, s. 201.

On what terms goods attached may be restored.

173.—(1) Where a person against whom an attachment has issued, or any person on his behalf, executes and files in the court to which the attachment, or first attachment if there are more than one, has been returned, or is returnable, a bond

with good and sufficient sureties, to be approved by the judge or clerk, binding the obligors, jointly and severally, to the clerk, in double the appraised value of the property attached, with a condition that the debtor (naming him) will, whenever thereunto required by order of the judge, pay into court a sum sufficient to satisfy the claims of all creditors who may be entitled to share in the proceeds of the property or the value of the property attached, or will produce the property to satisfy the judgments, the clerk may supersede the attachment, and the property attached shall be restored.

(2) Subject to section 170, if, within one month after the property has been attached, the person against whom the attachment has issued, or some person on his behalf, does not appear and give such bond, execution may issue as soon as judgment has been recovered and the property attached, or so much thereof as may be necessary to satisfy the judgment and costs, may be sold for the satisfaction thereof, or if the property has been previously sold as perishable so much of the proceeds thereof as may be necessary may be applied to satisfy the judgment and costs. R.S.O. 1937, c. 107, s. 202.

Sale of goods if the debtor does not appear and give security.

Perishable goods.

174.—(1) Where a summons has not been served before the issue of a warrant of attachment, it may be served personally or by leaving a copy at the last place of abode or business of the defendant with any grown person residing there, or by leaving the copy at such place if no grown person be there found.

Proceedings against debtors where process not previously served.

(2) If it appears to the judge at the trial that the creditor who sued out an attachment had not reasonable or probable cause for taking the proceedings, the judge shall order that no costs be allowed to the creditor. R.S.O. 1937, c. 107, s. 203.

Costs.

175. Subject to *The Absconding Debtors Act*, where perishable property has been attached, the bailiff who has the custody thereof, the same having been first appraised, may, at the request of the attaching creditor, expose and sell the same at public auction to the highest bidder, giving at least eight days' notice at the office of the clerk and at two other public places within his division, of the time and place of sale, if the property attached will admit of being so long kept, otherwise he may sell the same at his discretion. R.S.O. 1937, c. 107, s. 204.

Perishable goods, how disposed of.

Rev. Stat., c. 127.

176.—(1) It shall not be compulsory upon the bailiff or constable to attach, or upon the bailiff to sell perishable property until the attaching creditor has given a bond to the defendant, with good and sufficient sureties to the satisfaction

Creditors may be required to indemnify the defendant.

of the bailiff, in double the amount of the appraised value of the property, conditioned that the attaching creditor will repay the value thereof, together with all costs and damages incurred in consequence of the attachment and sale in case judgment be not obtained by him, and the bond shall be filed with the clerk.

Application
of proceeds
of sale.

(2) The money made shall be paid over by the bailiff to the clerk, to be dealt with in the manner hereinbefore provided. R.S.O. 1937, c. 107, s. 205.

Enforcing
security
given
under Act.

177.—(1) A bond given in the course of any proceeding under this Act may be sued on in any division court of the county wherein the same was executed, notwithstanding that the penalty in the bond exceeded the sum of \$100.

Delivery of
bond to
party
entitled.

(2) The bond shall be delivered to any person entitled to it, upon the order of the judge, to be enforced or cancelled as the case may require. R.S.O. 1937, c. 107, s. 206.

CLAIMS OF LANDLORDS AND OTHERS WITH RESPECT TO GOODS SEIZED.

Interpre-
tation.

178. In this section and in sections 179 and 180,

(a) "agent" means any person usually employed by the landlord in the letting of land or in the collection of the rents thereof, or specially authorized by writing under the hand of the landlord to act in any particular matter; and

(b) "landlord" includes the person entitled to the immediate reversion of land, or, if it be held in joint tenancy, coparcenary or tenancy in common, any one of the persons entitled to the reversion. R.S.O. 1937, c. 107, s. 207.

Adjustment
of claims of
landlords,
etc., to goods
seized in
execution.

179.—(1) Where a claim is made to or in respect of property or security taken in execution or attached under the process of a division court, or the proceeds or value thereof, by a landlord for rent, or by a person other than the party against whom the process issued, then, subject to *The Absconding Debtors Act*, upon application of the bailiff or officer charged with the execution of the process, either before or after an action has been brought against him, the clerk shall issue a summons calling before the court out of which the process issued, or the court for the division in which the seizure or attachment under the process was made, the party who issued the process and the person making the claim, and there-

Rev. Stat.,
c. 127.

upon any action which has been brought in the Supreme Court or in any other court in respect of the claim, shall be stayed.

(2) The court in which the action has been brought, or a judge thereof, on proof of the issue of the summons, and that the property or security was taken in execution or upon attachment, may order the party bringing the action to pay the costs of all proceedings had in the action after the issue of the summons out of the division court. Costs.

(3) The judge shall adjudicate upon the claim, and make such order between the parties in respect thereof, and of the costs of the proceedings as to him may seem just, and shall also adjudicate between the parties, or either of them, and the bailiff or officer in respect of any claim for damages arising out of the execution of the process by the bailiff or officer, although the amount of the damages claimed or awarded is beyond the jurisdiction of a division court, and may make such order in respect thereof, and of the costs of any proceedings as to him may seem just. County judge to adjudicate on claims.

(4) The order may be enforced in like manner as an order made in an action. Enforcing order.

(5) The judge, upon the application of the execution or attaching creditor or the claimant, or the bailiff or officer, may grant a new trial as in other cases, and may in the meantime stay proceedings. New trial.

(6) Where the bailiff or officer has executions or attachments for different persons against the same property it shall not be necessary to make a separate application on each execution or attachment; but he may use the names of the execution or attaching creditors collectively, in the application, and the summons may issue in the name of the creditors as plaintiffs. Where more than one execution or attachment has issued.

(7) The parties and the bailiff or officer shall have the same rights of defence and counter-claim, including in all cases the right and liability to costs, as would exist had an action, within the jurisdiction of the court, been brought to recover the damages. R.S.O. 1937, c. 107, s. 208. Rights of parties as to defence and as to costs.

180.—(1) The landlord of a tenement in or upon which property is taken under an execution, may, by notice in writing, signed by himself or his agent, stating the terms of the holding and the rent payable, delivered to the bailiff or officer making the levy, claim any rent due and in arrear at the time of the taking in execution not exceeding the rent of four weeks where the tenement has been let by the week, and not exceed- Provisions in relation to rents due to landlords.

ing the rent for two terms of payment where the tenement has been let for any other term less than a year, and not exceeding in any case the rent for one year.

Notice of
claim for
rent.

(2) Notice of the claim may be given at any time before the return of the process, notwithstanding that the property may in the meantime have been removed from the premises upon which it was seized and where the property of a tenant is sold within ten days after seizure, the money realized shall remain in court until the expiration of the ten days to answer the claim of the landlord, and where the money has been paid into court the notice may be directed to the clerk with like effect as if given to the bailiff or officer, before the sale of the property seized.

How the
bailiff is to
proceed.

(3) The bailiff or officer making the levy shall also distrain for the amount of the rent claimed, and the costs of the distress, but shall not sell the property, or any part thereof, until after the expiration of eight days after the distress.

Fees of
bailiff in
such cases.

Rev. Stat.,
c. 122.

(4) For every distress for rent in arrear the bailiff or officer shall be entitled to have as costs of the distress, instead of the fees allowed by this Act, the fees allowed by *The Costs of Distress Act*.

Sale where
replevin
made.

(5) If any replevin is made of the property distrained, so much of the property taken under the execution shall be sold as will satisfy the money and costs for which the execution issued and the costs of the sale, and the surplus of the sale, if any, and the property so distrained shall be returned as in other cases of distress for rent and replevin.

Priority of
landlord's
claim.

(6) An execution creditor shall not have his debt satisfied out of the proceeds of the execution and distress, or of the execution only, where the tenant replevies, until the landlord who conforms to this Act has been paid the rent in arrear for the periods hereinbefore mentioned. R.S.O. 1937, c. 107, s. 209.

PARTNERSHIPS AND SPECIAL NAMES.

One or more
of persons
jointly liable
may be sued.

181.—(1) In case of a debt or demand against two or more persons, partners in trade or otherwise jointly liable, who reside in different divisions, or of whom one or more cannot be found, one or more of such persons may be sued or served with process, and judgment may be obtained and execution issued against him or them, notwithstanding that others jointly liable have been sued or served without prejudice to the right of the person against whom execution issues to demand contribution from any other person jointly liable with him.

(2) Where a judgment has been obtained against one or more of several partners under subsection 1, and the judge certifies that the demand proved was a partnership transaction, the bailiff may, under the execution, seize and sell the property of the firm, as well as that of any defendant who has been served. Bailiff may seize property of firm on certificate of judge.

(3) Two or more persons claiming or being liable as co-partners may sue or be sued in the name of the firm of which such persons were co-partners at the time of the accruing of the cause of action. Services on parties added.

(4) Where partners are sued in the name of the firm, the summons may be served on one or more of them or at the principal place within Ontario of the business of the partnership or upon any person having control of the partnership business there and, subject to subsections 6 and 7, such service shall be deemed good service upon the firm, and the affidavit of the service of the summons shall state the name of the person served. Partners sued in name of firm.

(5) Any party may, at any time before or after judgment, apply for an order directing a statement of the names and addresses of the persons who are co-partners in any firm which is a party to the action by the firm name, to be furnished in such manner as the judge may direct. Order to furnish names and addresses.

(6) In the case of a partnership which to the knowledge of the plaintiff has been dissolved before action the summons shall be served upon every person within Ontario sought to be made liable. When partnership dissolved.

(7) Where a summons is issued against a firm and is served as directed by this section, every person upon whom it is served shall be informed by notice given at the time of service whether he is served as a partner or as a person having control or management of the partnership business or in both characters, and in default of such notice the person served shall be deemed to be served as a partner. Notice of capacity in which person served.

(8) Debts owing from a firm carrying on business within Ontario may be attached although one or more members of the firm may be resident out of Ontario, provided that some person having the control or management of the partnership business or a member of the firm within Ontario is served with the attaching order. R.S.O. 1937, c. 107, s. 85. Attachment of debts due by firm.

182.—(1) Where a judgment is against a firm, subject to section 183, execution may issue against the property of, Execution against partners.

- (a) the partnership;
- (b) any person who has admitted in the notice of dispute or defence filed that he is a partner, or who has been adjudged a partner;
- (c) any person who has been individually served as a partner with a copy of the summons and who has not filed a notice of dispute or defence.

Leave to
issue
execution
against
other
members.

(2) If the party who has obtained a judgment claims to be entitled to issue execution against any other person as being a member of the firm, he may apply for leave to do so, and the judge may give such leave if the liability be not disputed, or, if disputed, after the liability has been determined in such manner as he may direct. R.S.O. 1937, c. 107, s. 86.

Effect of
judgment
against firm.

183. Except as against the property of the partnership, a judgment against a firm shall not render liable, release, or otherwise affect any member thereof who was out of Ontario when the summons was issued, and who has not entered a defence to the action, unless he has been made a party under section 85 or has been served within Ontario after the summons was issued. R.S.O. 1937, c. 107, s. 87.

Persons
carrying on
business in
Ontario
under
another
name.

184.—(1) Subject to *The Partnership Registration Act*, a person, whether or not a British subject, and whether residing in or out of Ontario, carrying on business within Ontario under a name or style other than his own name, may sue and be sued in such name or style. R.S.O. 1937, c. 107, s. 88 (1); 1949, c. 29, s. 2, *amended*.

Leave not
required.

(2) Leave shall not be necessary to issue the summons.

Service of
summons.

(3) The summons may be served upon the person so carrying on business if he be within Ontario, or at his place of business within Ontario, or, if there are several such places at the place in or nearest to the county in which the cause of action arose, upon any person having the control or management of the business there, and such service shall be equivalent to personal service on the person so sued.

Notice of
character in
which person
served.

(4) The person upon whom the summons is served shall be informed by notice given at the time of service whether he is served as the person carrying on the business or as the person having the control or management of it or in both characters, and in default of such notice he shall be deemed to be served as the person carrying on the business.

Procuring
name and
address of
person
carrying on
business.

(5) Any party may, at any time before or after judgment, apply for an order directing a statement of the name and

address of the person who is, and of the person who at the time of the accruing of the cause of action was, carrying on business under such name or style to be furnished in such manner as the judge may direct.

(6) The person so sued shall enter a dispute in his own name, but all subsequent proceedings shall continue in such name or style. Person served to appear in his own name.

(7) A person served as the person carrying on the business may enter a defence under protest, denying that he is the person so carrying on the business, but such defence shall not preclude the plaintiff from otherwise serving the person sued or from obtaining judgment in default of defence in the ordinary form by the person so sued. Defence under protest.

(8) Where a summons is served under subsection 3 on a person having the control or management of but not carrying on the business, a dispute by him shall not be necessary. When person served is not carrying on the business.

(9) A judgment or order in the action may be enforced by execution against, Enforcement of judgment, what property exigible.

(a) the property of the person so sued, used or employed in or in connection with the business; and

(b) the property within Ontario of the person so sued if he has entered a defence in the action, or has been adjudged to be the person carrying on the business or has been personally served with the summons within Ontario and has failed to enter a defence.

(10) If the person so sued has not entered a dispute or has not been personally served, or has not been adjudged to be the person carrying on the business, the plaintiff may apply for leave to issue execution against the person within Ontario whom the plaintiff alleges to be the person carrying on the business, and the judge may give such leave if the liability be not disputed, or, if disputed, after the liability has been determined in such manner as the judge may direct. Issuing execution against person alleged to be carrying on the business.
R.S.O. 1937, c. 107, s. 88 (2-10).

JURIES.

185.—(1) Either party may require a jury in any class of action where the amount sought to be recovered exceeds \$50. When a jury may be required.
R.S.O. 1937, c. 107, s. 124.

(2) Where the plaintiff requires a jury, he shall give notice thereof to the clerk one week before the sittings of the court at which the action is to be tried, and deposit with him the Notice to clerk.

proper fees for the expenses attending the summoning of the jury; and where a claimant or a defendant requires a jury, he shall, within five days after the day of service of the summons on him, give to the clerk the like notice, and deposit with him the proper fees, and thereupon, in either case, a jury shall be summoned.

When action transferred.

(3) In an action transferred from one court to another, either party may require a jury to be summoned by giving to the clerk of the court to which the action has been transferred, three clear days before the sittings of the court at which the case is to be tried, a notice requiring a jury to be summoned, and depositing with him the proper fees for the expenses attending the summoning of the jury. R.S.O. 1937, c. 107, s. 125.

Who liable to be jurors.

Rev. Stat., c. 108.

186.—(1) Unless exempted by *The Jurors' Act*, every person whose name appears on the last revised voters' list of a municipality partly or wholly within the division who resides therein, and whose name is marked "J", shall be liable to serve as a juror for the court of such division. R.S.O. 1937, c. 107, s. 126.

From whom selected.

(2) The jurors shall be residents of the division and shall be selected from the last revised voters' list of the municipalities partly or wholly within the division.

Manner of selection.

(3) Where there has been no previous selection of jurors the manner of selecting them shall be as follows:

(a) The clerk shall begin with the name of the first qualified person on the list of the municipality and proceed with the selection by taking the names in rotation until the requisite number has been selected.

(b) Where there are several municipalities the clerk shall begin with the name of the first qualified person on the list of the municipality in which the court is held, taking one name from the list, and then shall take one name from each of the lists of the other municipalities in rotation, beginning with that list which contains the greatest number of names of qualified persons, and shall repeat the same process until the requisite number has been selected.

Where there has been previous selection.

(4) Where there has been a previous selection of jurors the clerk shall proceed as provided by subsection 3, except that he shall begin where he left off at the next preceding selection, or in the case of a new list as nearly as may be at the place which corresponds with the place where he left off at the previous selection.

(5) If it appears to the judge that the cost of summoning a jury is excessive, by reason of the residences of the persons liable to be selected being in a distant portion of the division, he may direct the clerk to begin with the name of the first qualified person on the list of any municipality partly or wholly within the division, and proceed as in subsection 3. Where cost of summoning excessive.

(6) Where a municipality, partly or wholly within the division, is a party, and the jury would, if selected in ordinary course, be composed of ratepayers of the municipality, the judge, upon the application of any party, may direct the clerk not to select any juror from the list of the municipality, or may before or at the trial direct that the issues shall be tried and damages be assessed without a jury. R.S.O. 1937, c. 107, s. 127. Where municipality is a party.

(7) This section shall not apply in a provisional judicial district. R.S.O. 1937, c. 107, s. 128. Application of section.

187. Where a jury is required to be summoned, the clerk shall cause not less than twelve of the persons liable to serve as jurors to be summoned, and the summons shall be served at least two days before the court, either personally or by leaving the same with a grown-up person at the residence of the juror, and the summons shall be returned to the clerk with an affidavit of service of the bailiff serving the same. R.S.O. 1937, c. 107, s. 129. Summoning jurors.

188. Each party shall be entitled to challenge two jurors peremptorily and any juror for cause. R.S.O. 1937, c. 107, s. 130. Parties entitled to challenge.

189. A juror who, after being duly summoned, wilfully neglects or refuses to attend, shall be liable to a fine, in the discretion of the judge, of not more than \$4, which shall be levied and collected, with costs, by the same process as a judgment recovered in the court. R.S.O. 1937, c. 107, s. 131. Penalty on jurors disobeying summons.

190.—(1) Actions to be heard by the judge alone shall be set down in a list separate from the list of those to be tried by a jury, to be severally called "The Judge's List", and "The Jury List", and actions shall be set down in the order in which they were entered with the clerk. Judge's list and jury list.

(2) "The Jury List" shall be disposed of first, unless the judge otherwise directs. R.S.O. 1937, c. 107, s. 132. Jury list to be first.

191. Five jurors shall be empanelled and sworn to do justice between the parties whose cause they are required to try, according to the best of their skill and ability, and to give a true verdict according to the evidence, and the verdict of every jury shall be unanimous. R.S.O. 1937, c. 107, s. 133. Five jurors to be empanelled, etc.

Judge may
call *tales*.

192.—(1) If the panel is exhausted, the judge may direct the clerk to summon from the body of the court a sufficient number of disinterested persons to make up a full jury, and any person so summoned may, saving all lawful exceptions and rights of challenge, act as a juror.

Judge may
order jury
to be em-
panelled to
try any
disputed
fact.

(2) Where the judge thinks it proper to have the action or any controverted fact tried by a jury, the clerk shall instantly return a jury of five disinterested persons present to try the same, and the judge may give judgment on the verdict of the jury. R.S.O. 1937, c. 107, s. 134 (1, 2).

Judge may
discharge
jury not
agreeing,
etc.

193. If the judge is satisfied that a jury after having been out a reasonable time cannot agree upon their verdict, he may discharge them and adjourn the trial, and order the clerk to summon a new jury for the next sittings, unless the parties consent that the judge may give judgment on the evidence already taken, in which case he may give judgment accordingly. R.S.O. 1937, c. 107, s. 135.

Power to
direct non-
suit or dis-
miss action.

194.—(1) In all cases of trial by jury the judge shall have power to determine, after hearing the whole evidence or the evidence adduced on behalf of the plaintiff alone, whether there is any evidence in support of the plaintiff's case which ought to be submitted to the jury, and if in his opinion there is no such evidence, he may then, or after verdict, if he has reserved his decision, direct a nonsuit or dismiss the action.

Submitting
questions to
jury.

(2) The judge may direct the jury to answer any questions of fact stated to them by him and the jury shall answer them, and, subject to subsection 1, upon their answers the judge shall enter such judgment as in his opinion may be proper.

Duty of
judge.

(3) The judge shall determine the law and direct the jury thereon.

Idem.

(4) When in the opinion of the judge the action is one that ought to be tried without a jury, the judge shall have power to direct that the action be taken out of their hands.

Idem.

(5) Where in the opinion of the judge the jury notice is given for the purpose of delay he may strike it out on a summary application. R.S.O. 1937, c. 107, s. 136.

Fees of
jurors.

195.—(1) The clerk shall pay each of the five jurors empanelled and sworn the sum of \$3, and the further sum of ten cents per mile for every mile in excess of two miles necessarily travelled from his place of residence to the place at which the court is held, and to each of the jurors not empanelled, but who attend during the sittings of the court in which they

have been summoned and who do not attend as witnesses or litigants, the sum of \$1.50, and the further sum of ten cents per mile in excess of two miles necessarily travelled from his place of residence, but the judge shall have the power to increase or reduce the fee for the jurors not empanelled.

(2) Payments made under this section shall be certified to by the judge and the treasurer of the county, or in the case of a provisional judicial district the Treasurer of Ontario, shall upon presentation of the certificate pay to the clerk the amount which the certificate shows to have been paid to the jurors. R.S.O. 1937, c. 107, s. 137 (5, 6), *amended*. Certifying payment of jurors and refund to clerk.

196.—(1) There shall be paid to the clerk on every action originally entered in his court, in addition to all costs or jury fees payable, Fees for jury fund.

(a) where the claim exceeds \$20 but does not exceed \$60—three cents;

(b) where the claim exceeds \$60 but does not exceed \$100,—six cents;

(c) where the claim exceeds \$100—twenty-five cents,

and the same shall be taxed and allowed as costs in the cause.

(2) On or before the 15th day of January in every year, the clerk shall return to the treasurer of the county a statement under oath showing the number of actions originally entered in his court during the previous year, in which the claim exceeded \$20 but did not exceed \$60, the number in which the claim exceeded \$60 but did not exceed \$100, and the number in which the claim exceeded \$100. Return.

(3) The clerk shall, with the statement, pay over to the treasurer the fees payable under this section; and the treasurer shall keep an account of all money so received by him under the head of "Division Court Jury Fund". Fees to be paid to county treasurer.

(4) In the case of cities and towns separated from the county, the amounts paid in by the clerks and the amount paid by the county treasurer to the clerks for jury fees shall be taken into account in settling the proportion of the charges to be paid by the city or town towards the cost of administration of justice. R.S.O. 1937, c. 107, s. 137 (1-4). Other cities and separate towns.

(5) This section shall not apply to a provisional judicial district. R.S.O. 1937, c. 107, s. 137 (7). Provisional judicial district.

GENERAL.

Duties of
Inspector.

197.—(1) The Inspector shall,

- (a) make a personal inspection of every division court and of the books and papers thereof;
- (b) see that the proper books are provided, that they are in good order and condition, that the proper entries and records are made therein in a correct manner, at a suitable time and in proper form and order, and that the papers and documents are properly classified and preserved;
- (c) see that the duties of the officers of the courts are efficiently performed and that the office is at all times duly attended by the clerk;
- (d) see that lawful fees only are taxed or allowed as costs;
- (e) see that proper security is furnished and maintained on behalf of every clerk and bailiff;
- (f) when authorized by the Lieutenant-Governor in Council so to do, direct that any papers or documents which it is unnecessary to preserve be destroyed; and
- (g) report upon all such matters to the Lieutenant-Governor.

Delegation
of authority
by inspector.

(2) The Inspector, with the approval of the Lieutenant-Governor in Council, may delegate to any clerk or officer in his office any power or duty conferred or imposed upon the Inspector under this Act, and for such purpose every such person shall have and may exercise all the powers of the Inspector. R.S.O. 1937, c. 107, s. 47.

Power of
Inspector
in making
inquiry into
conduct of
officers.

198. Where the Inspector considers it expedient to institute an inquiry into the conduct of a clerk or bailiff he may require him and any other person to give evidence on oath, and for that purpose shall have the same power as any court has in civil cases to summon such officer or other person to attend as a witness, to enforce his attendance and to compel him to produce books and documents, and to give evidence. R.S.O. 1937, c. 107, s. 48.

Contempt
of court.

199. Every person who wilfully insults the judge or any officer of a division court during his sitting or attendance in court, or interrupts the proceedings of the court, or creates a disturbance within the court-room or within hearing of the court, shall be guilty of an offence and any bailiff or officer of

the court may, by direction of the judge, take the offender into custody and bring him before the judge, and the judge may impose upon him a fine of not more than \$20, and in default of immediate payment may, by warrant under his hand and seal, commit the offender to the common jail of the county for a period of not more than one month, unless the fine and costs with the expense attending the commitment are sooner paid. R.S.O. 1937, c. 107, s. 210.

200.—(1) Every person who interferes with a bailiff or officer or his deputy or assistant, while in the execution of his duty, or makes or attempts to rescue any property seized or attached under process of the court, shall be guilty of an offence and liable to a penalty of not more than \$20, to be recovered by order of the court or on summary conviction before a justice of the peace, and shall also be liable to be imprisoned, by order of the court or justice, for any term of not more than three months. Resisting officers.

(2) The bailiff or officer, or any peace officer, may take the offender into custody, with or without warrant and bring him before the court of justice. R.S.O. 1937, c. 107, s. 211. Arrest of offender.

201. A fine imposed by the judge under this Act may be enforced by his order in like manner as a judgment. R.S.O. 1937, c. 107, s. 215. Enforcing payment fines.

202. A levy or distress by virtue of this Act shall not be deemed unlawful, or the person making the same be deemed a trespasser, on account of any defect or want of form in any proceeding relating thereto, nor shall the person levying or distraining be deemed a trespasser from the beginning, on account of any irregularity afterwards committed by him; but the person aggrieved by the irregularity may recover full satisfaction for the special damage sustained by him. R.S.O. 1937, c. 107, s. 216. Distress not to be deemed unlawful or persons making it trespassers by reason of defect in proceedings.

203.—(1) In cases not expressly provided for by this Act or by the rules, the judge may, in his discretion, adopt and apply the general principles of practice in the Supreme Court to actions and proceedings in the division courts. Where practice of the Supreme Court to apply.

(2) Nothing herein contained shall authorize the taxation or allowance of costs to any officer of the court, other than those provided for by this Act, or in the tariff of fees. R.S.O. 1937, c. 107, s. 218. Limitations as to costs.

204. No proceedings shall be quashed or vacated for any matter of form. R.S.O. 1937, c. 107, s. 219. Defects in form.

205. Unless otherwise provided, every notice required by this Act shall be in writing. R.S.O. 1937, c. 107, s. 74. Notices to be in writing.

Before whom
affidavits
may be
sworn.

206.—(1) Affidavits may be sworn before a clerk or deputy clerk, or before a justice of the peace, notary public or commissioner for taking affidavits.

Affidavits
sworn before
agents not
to be used.

(2) An affidavit, sworn before the agent of the party on whose behalf it was made, or before the clerk or partner of such agent, shall not be used. R.S.O. 1937, c. 107, s. 113.

Changing
date in
process.

207. Where a change in the date of a hearing or other proceeding is necessary because of failure to effect service or for any other reason, the clerk may change the date or dates appearing in any summons, judgment summons, subpoena or other notice or process. *New.*

Rules and
regulations.

208. The Lieutenant-Governor in Council may make rules and regulations,

- (a) prescribing the division courts which shall be maintained, the territorial limits of the divisions and the place within each division where the court office shall be located;
- (b) prescribing fees payable to the Crown and to clerks, bailiffs, appraisers, witnesses and for any other services performed under this Act;
- (c) regulating the sittings of the courts and providing for fixing the times and places of such sittings;
- (d) prescribing the duties of clerks and bailiffs and requiring clerks to furnish to judges information regarding sittings of the court;
- (e) prescribing the returns to be made and the information to be furnished by clerks and bailiffs;
- (f) prescribing forms;
- (g) providing for the service of summonses and other process issued out of division courts by prepaid post or otherwise and prescribing the manner of proving service and such other matters as may be necessary or incidental thereto;
- (h) providing for the continuation of courts where a union of counties is dissolved or a county is separated from a union of counties and for the continuation or transfer of actions and judgments therein;
- (i) prescribing and governing the security to be furnished by clerks and bailiffs for the due performance of their duties and, in connection therewith, providing for the Inspector to enter into agreements with any company authorized to carry on the business of fidelity insurance in Ontario;

(j) regulating any matter relating to the practice and procedure of the courts, or to the duties of the officers thereof, or to the costs of proceedings therein; and

(k) every other matter deemed expedient for better attaining the ends of justice, advancing the remedies of suitors and carrying into effect the provisions of this Act and of all other Acts respecting division courts. 1941, c. 20, s. 8, *amended*.

(2) In prescribing the territorial limits of a division, the Lieutenant-Governor in Council may, where in his opinion the circumstances of the case so warrant, ^{Territorial limits.}

(a) include any area within the territorial limits of more than one division; and

(b) include within the territorial limits of a division court, an area in an adjoining county. 1941, c. 22, s. 2, *part, amended*.

PART II.

APPLICABLE ONLY TO DISTRICTS.

209. Unless exempt under *The Jurors Act*, all male persons between twenty-one and sixty years of age who reside in the division, and who are subjects of His Majesty by birth or naturalization, may be summoned to serve as jurors at any division court. R.S.O. 1937, c. 107, s. 220. ^{Who liable to serve as jurors.}

210. The clerk and a justice of the peace resident in the division, or in case there is no justice of the peace so resident, then a justice of the peace residing in an adjoining division, shall select the persons to serve as jurors for the trial of actions required to be tried by or before a jury. R.S.O. 1937, c. 107, s. 221. ^{Who to select jurors.}

211.—(1) If the parties agree by writing signed by them to refer causes of action, claims and demands to a judge and that he may try and determine the same, the judge shall have power and jurisdiction so to do, if the subject matter in dispute does not exceed \$800 in amount, and is otherwise within the jurisdiction of a division court. ^{Parties may agree that the judge shall try any matter not over \$800.}

(2) The agreement shall be in duplicate, and one of the duplicates shall be filed with the judge and the other with the clerk of the court in which the action is to be tried, and the court shall thereupon have jurisdiction in respect of the matter referred. ^{Submission to be made in duplicate.}

May be filed
and proceed-
ings thereon
had to judg-
ment in the
division
court.

(3) Upon the agreement being filed the plaintiff may enter his claim in such division, and sue out a summons thereupon as in ordinary cases, and the proceedings in the action may be conducted to judgment and execution, irrespective of the amount recovered if it does not exceed \$800, in the same manner as other actions in such court. R.S.O. 1937, c. 107, s. 225.

Appeal.

212.—(1) An appeal shall lie to the Court of Appeal from a judgment under section 211.

Application
of Part I.

(2) The provisions of Part I as to appeals shall apply to an appeal under this section. R.S.O. 1937, c. 107, s. 226, *amended*.

Service on
application
for new trial.

213. Upon an application for a new trial, in an action wherein either party may appeal, personal service may be effected, or all papers requiring service may be delivered to the clerk of the court where the action was tried, or left at his office for the person entitled thereto, and the clerk shall forthwith send by registered post all such papers to the person entitled to the same or his agent. R.S.O. 1937, c. 107, s. 227.

Rev. Stat.,
c. 107;
1939,
c. 47, s. 7;
1941, c. 20;
1942,
c. 34, s. 12;
1949, c. 29,
repealed.

214. *The Division Courts Act*, section 7 of *The Statute Law Amendment Act, 1939*, *The Division Courts Amendment Act, 1941*, section 12 of *The Statute Law Amendment Act, 1942* and *The Division Courts Amendment Act, 1949* are repealed.

Commence-
ment of Act.

215. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

216. This Act may be cited as *The Division Courts Act, 1950*.

BILL

The Division Courts Act, 1950.

1st Reading

March 22nd, 1950

2nd Reading

March 27th, 1950

3rd Reading

March 31st, 1950

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to regulate the Profession of Public Accountancy in Ontario.

MR. PORTER

EXPLANATORY NOTE

This Act establishes a corporation under the name of The Public Accountants Council for the Province of Ontario. The function of the Council will be to regulate the practice of public accountancy in Ontario by licensing persons to practise as public accountants.

The Council will be composed of fifteen members of whom eight shall be appointed by The Institute of Chartered Accountants of Ontario, five shall be appointed by The Certified Public Accountants Association of Ontario and two shall be elected by the persons licensed under the Act who are not members of either of the bodies mentioned.

BILL

An Act to regulate the Profession of Public Accountancy in Ontario.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "Council" means The Public Accountants Council for the Province of Ontario established under this Act;
- (b) "licensing date" means the 1st day of August, 1950;
- (c) "prescribed" means prescribed by regulations made by the Council under this Act;
- (d) "public accountancy" means the investigation or audit of accounting records or the preparation of or reporting on balance sheets, profit and loss accounts or other financial statements, but does not include bookkeeping or cost accounting or the installation of bookkeeping, business and cost systems;
- (e) "public accountant" means a person who, alone or in partnership with others, carries on the practice of public accountancy and in connection with that practice offers his services for reward to members of the public, but does not include a person by reason of his practising public accountancy in respect of,
 - (i) any public authority or any commission, committee or emanation thereof, including a Crown company,
 - (ii) any bank, loan or trust company,
 - (iii) any transportation company incorporated by Act of the Parliament of Canada, or

(iv) any other publicly-owned or publicly-controlled public utility organization;

(f) "qualifying body" means The Institute of Chartered Accountants of Ontario or The Certified Public Accountants Association of Ontario.

Establish-
ment of
Council.

2. There is hereby established a Council, which shall be a body corporate under the name "The Public Accountants Council for the Province of Ontario" with power to acquire, hold and dispose of land.

Constitution
of the
Council.

3.—(1) The Council shall consist of fifteen members as follows:

(a) eight to be appointed by The Institute of Chartered Accountants of Ontario;

(b) five to be appointed by The Certified Public Accountants Association of Ontario; and

(c) two to be elected in the prescribed manner by vote of the public accountants who are licensed under this Act and are not members of either qualifying body.

Qualification
of members.

(2) No person shall be appointed or elected a member of the Council unless he holds a licence under this Act, but this prohibition shall not apply to the appointment of the first members of the Council.

Elected
members.

(3) No person who is a member of either qualifying body shall be elected under clause *c* of subsection 1.

First
members
under
clause *c* of
subsection 1.

(4) Notwithstanding clause *c* of subsection 1, the first two members to hold office under that clause shall be appointed, one by The International Accountants' and Executives' Corporation (Ontario) and one by the Ontario association of The Institute of Accredited Public Accountants, both such appointees to be public accountants practising in Ontario and not members of either qualifying body.

Date of first
appoint-
ments.

(5) The first appointments shall be made on or before the 1st day of May, 1950.

Certification
of appoint-
ment;

4.—(1) The secretary of each body by whom a member or members of the Council is or are to be appointed shall certify in writing the name or names of the member or members so appointed.

of election.

(2) The election of a member shall be certified in writing in the prescribed manner.

(3) Every such certificate shall for all purposes be sufficient evidence of the appointment or election of the member or members named therein. Certificate as evidence.

5. The council or other governing authority of a body may exercise the power of appointment hereby conferred on that body. Exercise of power of appointment.

6.—(1) Every member of the Council shall hold office for a term of two years from the date of his appointment or election which, in the case of appointments made on or before the 1st day of May, 1950, shall be effective from that date and, in the case of all subsequent appointments or elections, shall be effective from the first ordinary meeting of the Council held in the term for which he was appointed or elected. Term of office.

(2) Every member shall hold office until his successor is appointed or elected. Idem.

(3) A retiring member of the Council shall be eligible for re-appointment or re-election. Re-appointment and re-election.

(4) Any vacancy in the office of a member of the Council shall be filled for the remainder of the term by the body which appointed him or by an election in the manner prescribed in clause c of subsection 1 of section 3, as the case requires. Vacancies.

(5) The Council may act notwithstanding a vacancy in its number occurring from any cause. Effect of vacancy.

7.—(1) A member of the Council may at any time resign his office by giving notice to the Council. Resignation of member.

(2) The Council may of its own motion and shall, in the case of an appointed member if so requested by the body by which the member was appointed, remove a member from his office for any prescribed cause. Removal of member.

8. It shall be the duty of the Council to administer the provisions of this Act and in particular, but without limiting the generality of the foregoing, the functions of the Council shall include: Functions of Council.

- (a) the grant or refusal of licences, in accordance with this Act;
- (b) the maintenance and, if thought fit, the publication of a roll of the persons for the time being licensed under this Act;

- (c) the prescription of the fees payable on the grant or renewal of licences under this Act;
- (d) the maintenance and improvement of the status and standards of professional qualifications of public accountants practising as such in Ontario;
- (e) the consideration of matters of common interest and concern to public accountants, and the submission of representations to any government department or public authority with reference to any such matters;
- (f) the provision of scholarships for students in public accountancy and of maintenance grants for such students whose means appear to the Council to be insufficient to enable them to pursue their studies;
- (g) the conduct and encouragement, whether by means of financial assistance or otherwise, of research in accountancy;
- (h) the exercise of the disciplinary powers conferred by this Act; and
- (i) the prosecution of offences under this Act.

First
meeting of
the Council.

9.—(1) As soon as practicable after the 1st day of May, 1950, the Council shall hold a meeting for electing a president, a vice-president, a secretary and such other officers as may be deemed necessary, who shall hold office until the first ordinary meeting of the Council held in 1951 and until their successors are elected, and, subject to the provisions of this Act, for determining upon procedure and upon all other matters required to be determined before the licensing date.

Vacancy not
to affect
constitution.

(2) For the purposes of such meeting the Council shall be deemed to be duly constituted, notwithstanding any vacancy therein by reason of delay in the appointment of a person as a member thereof.

Subsequent
meetings of
the Council.

10.—(1) The Council shall meet at such times and places as it may from time to time determine; provided that the Council shall hold at least one meeting in every period of three months to consider and determine applications for licences under this Act.

Extra-
ordinary
meetings.

(2) The president of the Council may at any time convene an extraordinary meeting of the Council at such time and place as he may, by notice to the members of the Council, direct, and the conditions as to giving such notice shall be as may be prescribed.

11.—(1) Except as otherwise expressly provided by this section, all matters which arise for decision at any meeting of the Council shall be decided by a majority of votes of members present and voting by show of hands. Voting at meetings of the Council.

(2) No resolution of the Council relating to,

(a) any of the functions of the Council referred to in clause *h* or *i* of section 8;

Assent required for certain resolutions.

(b) the making of regulations under section 33;

(c) the revocation or non-renewal of a licence granted under this Act; or

(d) the granting of an exemption to any person pursuant to subsection 2 of section 16 from any of the conditions of section 16, or the approval of conditions subject to which such exemption shall be granted,

shall be valid unless approved by the votes of at least three-quarters of the members of the Council present and voting thereon.

(3) No resolution of the Council relating to any of the matters mentioned in subsection 2 shall be valid unless the notice calling the meeting at which the resolution is moved has specified the general nature of the business to be transacted thereat. Notice.

12.—(1) The officers to be elected from among the members of the Council shall be a president, a vice-president, a secretary and such other officers as the Council may deem necessary. Officers.

(2) The election of officers shall take place annually at the first ordinary meeting of the Council in each calendar year when all officers then in office shall retire but if otherwise qualified shall be eligible for re-election; and in the event of a tie vote for the election of the president or vice-president, the issue shall be decided by lot. Election of officers.

(3) Subject to the provisions of this section and of subsection 1 of section 9, any officer elected by the Council shall continue in office for a term of one year and until his successor is elected. Term of office.

(4) Every vacancy occurring in any office by reason of the incumbent dying, resigning or otherwise ceasing to be a member of the Council during his term of office, shall be filled for the remainder of his term by the Council from among its members. Vacancies.

Quorum. **13.** At all meetings of the Council eight members shall constitute a quorum.

Committees. **14.—**(1) The Council may from time to time appoint committees from among its members.

Delegation to committees. (2) The Council may delegate to any such committee, subject to such restrictions or conditions as the Council may think fit, any of its powers or duties, other than those referred to in subsection 2 of section 11, and may dissolve any such committee.

Roll of public accountants. **15.—**(1) The Council shall before the licensing date prepare and thereafter maintain a roll to be called "The Roll of Public Accountants in Ontario".

Entries on and erasures from roll. (2) The Council shall from time to time cause to be entered on the roll the name and address of every person licensed under this Act and shall cause to be removed therefrom,

(a) the name of every person licensed under this Act who has made application to the Council in the prescribed manner requesting the Council to remove his name from the roll; and

(b) the name of every person whose licence under this Act has been revoked or has not been renewed in accordance with this Act,

and shall cause any other necessary alterations or corrections to be made therein.

Qualifications for licence. **16.—**(1) Any person shall, on application to the Council in the prescribed manner and upon payment of the prescribed fee, be entitled to be licensed under this Act if the Council is satisfied,

(a) that on the licensing date the applicant was a member of a qualifying body; or

(b) that on the licensing date the applicant was carrying on the practice of public accountancy as his principal means of livelihood and in that connection maintained in Ontario, either alone or in partnership with others, a place of business at which his services as a public accountant could be engaged, and was of good repute and had been in practice as a public accountant for one year before the licensing date; or

(c) that the applicant is a member of a qualifying body, having taken the regular courses and passed the

final examinations of such body or of a body recognized by it for purposes of affiliation; or

- (d) that the applicant has passed an examination deemed by the Council to be not less than equivalent to the intermediate examination of a qualifying body and has practised or been employed in public accountancy for a period of not less than three years.

(2) The Council may, in special circumstances and subject to subsections 2 and 3 of section 11, either unconditionally or subject to such conditions as it may think fit, exempt any person from one or more of the conditions set forth in subsection 1. Exemption from conditions.

(3) The Council may by regulation prescribe the terms and conditions upon which any licensee of a state or province other than Ontario may be exempted from one or more of the conditions set forth in subsection 1, but no such regulation shall be made, amended or repealed unless approved by the votes of at least two-thirds of the members of the Council present and voting thereon. Licensees from other jurisdictions.

17. Every licence granted or renewed under this Act shall become effective on and shall bear the date as of which it is granted or renewed and, unless revoked, shall remain in force until the date prescribed by the Council. Period of licence.

18. Any person who is, and is entitled to be, licensed under this Act and who applies to the Council in the prescribed manner and pays the prescribed fee shall be entitled to have his licence renewed, but nothing in this section shall prejudice or affect the power of the Council to revoke any licence in accordance with this Act. Renewal of licence.

19.—(1) The fee payable for the grant or renewal of a licence shall not exceed \$25. Fees.

(2) The Council may sue for and recover any unpaid fees in any court of competent jurisdiction. Recovery of fees.

20.—(1) If a person licensed under this Act,

Powers as to revocation of licence.

(a) has been convicted of a criminal offence;

(b) becomes of unsound mind;

(c) has been adjudged bankrupt or has made arrangement with his creditors; or

- (d) has been found on inquiry held by the Council to be guilty of conduct disgraceful to him in his capacity as a public accountant,

the Council may, subject to the provisions of this section, revoke his licence.

Notice of
intention
to revoke
and hearing.

(2) Where the Council intends to revoke any licence in pursuance of clause *a*, *b* or *c* of subsection 1, the Council shall first cause a written notice of its intention to be served on such person in the prescribed manner and shall on application made by such person within one month from the date of the service of the notice consider any representations with regard to the matter which may be made by him to the Council, either in person or by counsel.

Inquiry.

(3) In any case in which it appears to the Council that a person licensed under this Act has been guilty of conduct disgraceful to him in his capacity as a public accountant, the Council may cause an inquiry to be held.

Notice of
inquiry.

(4) Where an inquiry is to be held under this section, the Council shall forthwith cause to be served on the person concerned a written notice of the proposed inquiry specifying the time and place at which it is to be held and the subject matter thereof, and the person concerned shall on application be entitled to be heard at the inquiry either in person or by counsel.

Notice of
refusal or
revocation
of licence.

21. Where the Council refuses the application of any person for the grant or renewal of a licence, or revokes any licence granted to any person it shall forthwith cause written notice of such refusal or revocation to be served on such person.

Effect of
revocation.

22.—(1) No person whose licence has been revoked shall, except as provided in this section, be granted a licence under this Act.

New licence
after
revocation.

(2) A person whose licence has been revoked may, either on his application or on motion of the Council and after inquiry, be granted a new licence and his name may be restored to the roll at the discretion of the Council either without payment of a fee or on payment of such fee as the Council may determine.

Appeal.

23. Where the Council,

- (a) refuses to grant a licence or a new licence;
- (b) refuses to renew a licence; or
- (c) revokes a licence,

the person aggrieved may, within three months from the day on which notice thereof was served on him, apply to a judge of the Supreme Court who upon due cause shown may make an order directing the Council to grant the licence, renew the licence or cancel the revocation of the licence, as the case may be, or may make such other order as may be warranted by the facts, and the Council shall forthwith comply with such order and such order shall be final.

24. If any person wilfully procures, or attempts to procure, the granting to him of a licence under this Act, or the renewal of such licence, by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either orally or in writing, such person shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$100 and not more than \$250. Obtaining licence by false representation.

25.—(1) If any person ceases to be licensed under this Act, he shall, within fourteen days thereafter, transmit his licence to the Council for cancellation, and, if he fails to do so, he shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$25, and to a further penalty of not less than \$3 and not more than \$5 for every day on which the offence continues after conviction. Failure to surrender licence.

(2) Any person who,

Abuse of licence.

- (a) uses a licence issued under this Act to another person; or
- (b) allows a licence, issued to him under this Act, to be used by any other person; or
- (c) not being licensed under this Act, uses or has in his possession any document purporting to be a licence issued to him under this Act,

shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$50 and not more than \$100 and, in the case of a continuing offence, to a further penalty of not less than \$15 and not more than \$25 for every day on which the offence continues after conviction.

26.—(1) On and after the licensing date and subject to the provisions of this section, no person who is not licensed under this Act shall, within Ontario, Restriction on use of title or carrying on business of public accountant.

- (a) take or use the name or title of "Public Accountant";
- (b) practise as a public accountant; or

- (c) hold himself out as being licensed as a public accountant or use any designation or initials indicating or implying that he is licensed as a public accountant.

Permission
for
non-resident
to practise.

(2) Notwithstanding anything in this section, the Council may permit any person who is a non-resident of Ontario to practise as a public accountant within Ontario without a licence under this Act, subject to any terms and conditions that may from time to time be prescribed.

Penalties.

(3) Any person contravening the provisions of this section shall, without prejudice to any other proceedings which may be taken, be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$100 and not more than \$250 for a first offence and to a penalty of not less than \$200 and not more than \$500 for any subsequent offence.

Defence.

(4) Where a contravention of this section by any person is occasioned by the fact that his licence has been revoked, it shall be a good defence to any proceedings in respect of such contravention to prove that, at the time when such contravention is alleged to have been committed, notice of the revocation had not been served in accordance with this Act or the regulations hereunder, or that the time for appealing from the revocation had not expired or an appeal therefrom had been brought and had not been determined.

Prohibition
against a
body
corporate
carrying on
business
as public
accountant.

27.—(1) After the licensing date, it shall not be lawful for a body corporate to practise as a public accountant and any body corporate contravening the provisions of this subsection shall, without prejudice to any other proceedings which may be taken, be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$100 and not more than \$250 for a first offence and to a penalty of not less than \$200 and not more than \$500 for any subsequent offence.

Liability
of directors
and officers.

(2) If a corporate body is guilty of an offence under subsection 1, every director or officer of the body corporate who consented to, or connived at or was responsible for the commission of the offence, shall be deemed to be a party to and guilty of the offence and shall be liable to be proceeded against and fined accordingly.

No costs,
etc.,
recoverable
by
unlicensed
person.

28. After the licensing date no person shall be entitled to recover any costs incurred or charges made as a public accountant after that date unless such person was licensed under this Act at the time when such costs were incurred or when the services were rendered in respect of which such charges were made.

29.—(1) The Council shall establish a fund into which all ^{Finances.} moneys received by the Council shall be paid and out of which shall be paid all administrative and establishment expenses of the Council and all expenses incurred by the Council in carrying out its functions under this Act and all other liabilities properly incurred by the Council.

(2) The Council shall manage, administer and keep proper ^{Management of funds.} accounts of the fund.

(3) The Council may invest any moneys standing to the ^{Investment of moneys.} credit of the fund in any security in which trustees are authorized to invest.

(4) The Council may from time to time borrow any moneys ^{Borrowing powers.} required for the purposes of the Council and may mortgage, hypothecate, charge or pledge any or all of its property and assets to secure the amount so borrowed.

30.—(1) The Council shall pay,

^{Payment of expenses, salaries and pensions.}

(a) to the members of the Council such allowances for travelling and subsistence expenses incurred in the discharge of their functions; and

(b) to the secretary and any other officers and employees of the Council such salaries and remuneration and on retirement or death, such pensions and gratuities,

as the Council may determine.

(2) The Council may make provision for the dependants ^{Dependants of employees.} of any of its employees.

31. The annual accounts of the Council and of its officers ^{Audit of accounts.} and of any committee appointed by the Council shall be audited by a person licensed under this Act and appointed annually by the Council; provided that a member of the Council or a person who is in partnership with such a member shall not be eligible for appointment as auditor under this section.

32.—(1) Within three months after the end of each financial year the Council shall forward a copy of the audited ^{Accounts to be furnished to qualifying bodies, etc.} accounts of the Council for that year to each qualifying body and to the Provincial Secretary.

(2) Any person licensed under this Act shall be entitled ^{Copies.} upon demand to receive a copy of the audited accounts.

33.—(1) Subject to the provisions of this Act, the Council ^{Regulations, etc.} shall or may, as the case may be, prescribe by regulation

anything which is by this Act required or authorized to be prescribed and may make such further provisions as may seem to the Council necessary or desirable for carrying out or facilitating any of the purposes of this Act.

Copies.

(2) The Council shall on receipt of the prescribed charges supply a copy of any regulations made under this Act and of any forms prescribed by such regulations to any person applying therefor.

Annulment.

(3) The Lieutenant-Governor in Council may annul any regulation made by the Council under this Act.

Authen-
tication of
regulations
and other
documents.

34. Every regulation, licence, notice or other document made, granted or issued by the Council for any purpose whatsoever may be signed on behalf of the Council by the secretary or by such other officer of the Council as may from time to time be authorized by the Council so to do, and when so signed shall be *prima facie* evidence of such regulation, licence, notice or other document.

Service of
documents.

35.—(1) Any notice or document required to be given by or for the purposes of this Act may be sent by prepaid post and when so sent shall be deemed to be properly addressed if addressed to the person or body for whom intended at the last address of such person or body appearing in the roll or records of the Council, as the case may be.

Idem.

(2) Any notice relating to,

(a) the refusal to grant or renew a licence;

(b) the revocation of a licence; or

(c) the removal of the name of any person from the roll

shall be sent by prepaid registered post.

Saving.

36. Nothing in this Act shall preclude any person from practising as an industrial accountant, cost accountant or cost consultant, and from designating himself as such.

Freedom
from action.

37. No action shall be brought against the Council or any member or former member thereof that is based on the refusal of the Council to grant or renew a licence or that is based on the revocation by the Council of a licence.

Commence-
ment of Act.

38. This Act shall come into force on the day it receives the Royal Assent.

Short title.

39. This Act may be cited as *The Public Accountancy Act, 1950*.

BILL

An Act to regulate the Profession of
Public Accountancy in Ontario.

1st Reading

March 23rd, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 129

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to regulate the Profession of Public Accountancy in Ontario.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to regulate the Profession of Public Accountancy in Ontario.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "Council" means The Public Accountants Council for the Province of Ontario established under this Act;
- (b) "licensing date" means the 1st day of August, 1950;
- (c) "prescribed" means prescribed by regulations made by the Council under this Act;
- (d) "public accountancy" means the investigation or audit of accounting records or the preparation of or reporting on balance sheets, profit and loss accounts or other financial statements, but does not include bookkeeping or cost accounting or the installation of bookkeeping, business and cost systems;
- (e) "public accountant" means a person who, alone or in partnership with others, carries on the practice of public accountancy and in connection with that practice offers his services for reward to members of the public, but does not include a person by reason of his practising public accountancy in respect of,
 - (i) any public authority or any commission, committee or emanation thereof, including a Crown company,
 - (ii) any bank, loan or trust company,
 - (iii) any transportation company incorporated by Act of the Parliament of Canada, or

(iv) any other publicly-owned or publicly-controlled public utility organization;

(f) "qualifying body" means The Institute of Chartered Accountants of Ontario or The Certified Public Accountants Association of Ontario.

Establishment of Council.

2. There is hereby established a Council, which shall be a body corporate under the name "The Public Accountants Council for the Province of Ontario" with power to acquire, hold and dispose of land.

Constitution of the Council.

3.—(1) The Council shall consist of fifteen members as follows:

(a) eight to be appointed by The Institute of Chartered Accountants of Ontario;

(b) five to be appointed by The Certified Public Accountants Association of Ontario; and

(c) two to be elected in the prescribed manner by vote of the public accountants who are licensed under this Act and are not members of either qualifying body.

Qualification of members.

(2) No person shall be appointed or elected a member of the Council unless he holds a licence under this Act, but this prohibition shall not apply to the appointment of the first members of the Council.

Elected members.

(3) No person who is a member of either qualifying body shall be elected under clause *c* of subsection 1.

First members under clause *c* of subsection 1.

(4) Notwithstanding clause *c* of subsection 1, the first two members to hold office under that clause shall be appointed, one by The International Accountants' and Executives' Corporation (Ontario) and one by the Ontario association of The Institute of Accredited Public Accountants, both such appointees to be public accountants practising in Ontario and not members of either qualifying body.

Date of first appointments.

(5) The first appointments shall be made on or before the 1st day of May, 1950.

Certification of appointment;

4.—(1) The secretary of each body by whom a member or members of the Council is or are to be appointed shall certify in writing the name or names of the member or members so appointed.

of election.

(2) The election of a member shall be certified in writing in the prescribed manner.

(3) Every such certificate shall for all purposes be sufficient evidence of the appointment or election of the member or members named therein. Certificate as evidence.

5. The council or other governing authority of a body may exercise the power of appointment hereby conferred on that body. Exercise of power of appointment.

6.—(1) Every member of the Council shall hold office for a term of two years from the date of his appointment or election which, in the case of appointments made on or before the 1st day of May, 1950, shall be effective from that date and, in the case of all subsequent appointments or elections, shall be effective from the first ordinary meeting of the Council held in the term for which he was appointed or elected. Term of office.

(2) Every member shall hold office until his successor is appointed or elected. Idem.

(3) A retiring member of the Council shall be eligible for re-appointment or re-election. Re-appointment and re-election.

(4) Any vacancy in the office of a member of the Council shall be filled for the remainder of the term by the body which appointed him or by an election in the manner prescribed in clause c of subsection 1 of section 3, as the case requires. Vacancies.

(5) The Council may act notwithstanding a vacancy in its number occurring from any cause. Effect of vacancy.

7.—(1) A member of the Council may at any time resign his office by giving notice to the Council. Resignation of member.

(2) The Council may of its own motion and shall, in the case of an appointed member if so requested by the body by which the member was appointed, remove a member from his office for any prescribed cause. Removal of member.

8. It shall be the duty of the Council to administer the provisions of this Act and in particular, but without limiting the generality of the foregoing, the functions of the Council shall include: Functions of Council.

- (a) the grant or refusal of licences, in accordance with this Act;
- (b) the maintenance and, if thought fit, the publication of a roll of the persons for the time being licensed under this Act;

- (c) the prescription of the fees payable on the grant or renewal of licences under this Act;
- (d) the maintenance and improvement of the status and standards of professional qualifications of public accountants practising as such in Ontario;
- (e) the consideration of matters of common interest and concern to public accountants, and the submission of representations to any government department or public authority with reference to any such matters;
- (f) the provision of scholarships for students in public accountancy and of maintenance grants for such students whose means appear to the Council to be insufficient to enable them to pursue their studies;
- (g) the conduct and encouragement, whether by means of financial assistance or otherwise, of research in accountancy;
- (h) the exercise of the disciplinary powers conferred by this Act; and
- (i) the prosecution of offences under this Act.

First
meeting of
the Council.

9.—(1) As soon as practicable after the 1st day of May, 1950, the Council shall hold a meeting for electing a president, a vice-president, a secretary and such other officers as may be deemed necessary, who shall hold office until the first ordinary meeting of the Council held in 1951 and until their successors are elected, and, subject to the provisions of this Act, for determining upon procedure and upon all other matters required to be determined before the licensing date.

Vacancy not
to affect
constitution.

(2) For the purposes of such meeting the Council shall be deemed to be duly constituted, notwithstanding any vacancy therein by reason of delay in the appointment of a person as a member thereof.

Subsequent
meetings of
the Council.

10.—(1) The Council shall meet at such times and places as it may from time to time determine; provided that the Council shall hold at least one meeting in every period of three months to consider and determine applications for licences under this Act.

Extra-
ordinary
meetings.

(2) The president of the Council may at any time convene an extraordinary meeting of the Council at such time and place as he may, by notice to the members of the Council, direct, and the conditions as to giving such notice shall be as may be prescribed.

11.—(1) Except as otherwise expressly provided by this section, all matters which arise for decision at any meeting of the Council shall be decided by a majority of votes of members present and voting by show of hands. Voting at meetings of the Council.

(2) No resolution of the Council relating to,

Assent required for certain resolutions.

(a) any of the functions of the Council referred to in clause *h* or *i* of section 8;

(b) the making of regulations under section 33;

(c) the revocation or non-renewal of a licence granted under this Act; or

(d) the granting of an exemption to any person pursuant to subsection 2 of section 16 from any of the conditions of section 16, or the approval of conditions subject to which such exemption shall be granted,

shall be valid unless approved by the votes of at least three-quarters of the members of the Council present and voting thereon.

(3) No resolution of the Council relating to any of the matters mentioned in subsection 2 shall be valid unless the notice calling the meeting at which the resolution is moved has specified the general nature of the business to be transacted thereat. Notice.

12.—(1) The officers to be elected from among the members of the Council shall be a president, a vice-president, a secretary and such other officers as the Council may deem necessary. Officers.

(2) The election of officers shall take place annually at the first ordinary meeting of the Council in each calendar year when all officers then in office shall retire but if otherwise qualified shall be eligible for re-election; and in the event of a tie vote for the election of the president or vice-president, the issue shall be decided by lot. Election of officers.

(3) Subject to the provisions of this section and of subsection 1 of section 9, any officer elected by the Council shall continue in office for a term of one year and until his successor is elected. Term of office.

(4) Every vacancy occurring in any office by reason of the incumbent dying, resigning or otherwise ceasing to be a member of the Council during his term of office, shall be filled for the remainder of his term by the Council from among its members. Vacancies.

Quorum. **13.** At all meetings of the Council eight members shall constitute a quorum.

Committees. **14.—(1)** The Council may from time to time appoint committees from among its members.

Delegation to committees. (2) The Council may delegate to any such committee, subject to such restrictions or conditions as the Council may think fit, any of its powers or duties, other than those referred to in subsection 2 of section 11, and may dissolve any such committee.

Roll of public accountants. **15.—(1)** The Council shall before the licensing date prepare and thereafter maintain a roll to be called "The Roll of Public Accountants in Ontario".

Entries on and erasures from roll. (2) The Council shall from time to time cause to be entered on the roll the name and address of every person licensed under this Act and shall cause to be removed therefrom,

(a) the name of every person licensed under this Act who has made application to the Council in the prescribed manner requesting the Council to remove his name from the roll; and

(b) the name of every person whose licence under this Act has been revoked or has not been renewed in accordance with this Act,

and shall cause any other necessary alterations or corrections to be made therein.

Qualifications for licence. **16.—(1)** Any person shall, on application to the Council in the prescribed manner and upon payment of the prescribed fee, be entitled to be licensed under this Act if the Council is satisfied,

(a) that on the licensing date the applicant was a member of a qualifying body; or

(b) that on the licensing date the applicant was carrying on the practice of public accountancy and in that connection maintained in Ontario, either alone or in partnership with others, a place of business at which his services as a public accountant could be engaged, and was of good repute and had been in practice as a public accountant for one year before the licensing date; or

(c) that the applicant is a member of a qualifying body, having taken the regular courses and passed the

final examinations of such body or of a body recognized by it for purposes of affiliation; or

- (d) that the applicant has passed an examination deemed by the Council to be not less than equivalent to the intermediate examination of a qualifying body and has practised or been employed in public accountancy in Ontario for a period of not less than three years.

(2) The Council may, in special circumstances and subject to subsections 2 and 3 of section 11, either unconditionally or subject to such conditions as it may think fit, exempt any person from one or more of the conditions set forth in subsection 1. Exemption from conditions.

(3) The Council may by regulation prescribe the terms and conditions upon which any licensee of a state or province other than Ontario may be exempted from one or more of the conditions set forth in subsection 1, but no such regulation shall be made, amended or repealed unless approved by the votes of at least two-thirds of the members of the Council present and voting thereon. Licensees from other jurisdictions.

17. Every licence granted or renewed under this Act shall become effective on and shall bear the date as of which it is granted or renewed and, unless revoked, shall remain in force until the date prescribed by the Council. Period of licence.

18. Any person who is, and is entitled to be, licensed under this Act and who applies to the Council in the prescribed manner and pays the prescribed fee shall be entitled to have his licence renewed, but nothing in this section shall prejudice or affect the power of the Council to revoke any licence in accordance with this Act. Renewal of licence.

19.—(1) The fee payable for the grant or renewal of a licence shall not exceed \$25. Fees.

(2) The Council may sue for and recover any unpaid fees in any court of competent jurisdiction. Recovery of fees.

20.—(1) If a person licensed under this Act,

(a) has been convicted of a criminal offence;

(b) becomes of unsound mind;

(c) has been adjudged bankrupt or has made arrangement with his creditors; or

Powers as to revocation of licence.

- (d) has been found on inquiry held by the Council to be guilty of conduct disgraceful to him in his capacity as a public accountant,

the Council may, subject to the provisions of this section, revoke his licence.

Notice of
intention
to revoke
and hearing.

(2) Where the Council intends to revoke any licence in pursuance of clause *a*, *b* or *c* of subsection 1, the Council shall first cause a written notice of its intention to be served on such person in the prescribed manner and shall on application made by such person within one month from the date of the service of the notice consider any representations with regard to the matter which may be made by him to the Council, either in person or by counsel.

Inquiry.

(3) In any case in which it appears to the Council that a person licensed under this Act has been guilty of conduct disgraceful to him in his capacity as a public accountant, the Council may cause an inquiry to be held.

Notice of
inquiry.

(4) Where an inquiry is to be held under this section, the Council shall forthwith cause to be served on the person concerned a written notice of the proposed inquiry specifying the time and place at which it is to be held and the subject matter thereof, and the person concerned shall on application be entitled to be heard at the inquiry either in person or by counsel.

Notice of
refusal or
revocation
of licence.

21. Where the Council refuses the application of any person for the grant or renewal of a licence, or revokes any licence granted to any person it shall forthwith cause written notice of such refusal or revocation to be served on such person.

Effect of
revocation.

22.—(1) No person whose licence has been revoked shall, except as provided in this section, be granted a licence under this Act.

New licence
after
revocation.

(2) A person whose licence has been revoked may, either on his application or on motion of the Council and after inquiry, be granted a new licence and his name may be restored to the roll at the discretion of the Council either without payment of a fee or on payment of such fee as the Council may determine.

Appeal.

23. Where the Council,

- (a) refuses to grant a licence or a new licence;
- (b) refuses to renew a licence; or
- (c) revokes a licence,

the person aggrieved may, within three months from the day on which notice thereof was served on him, apply to a judge of the Supreme Court who upon due cause shown may make an order directing the Council to grant the licence, renew the licence or cancel the revocation of the licence, as the case may be, or may make such other order as may be warranted by the facts, and the Council shall forthwith comply with such order and such order shall be final.

24. If any person wilfully procures, or attempts to procure, the granting to him of a licence under this Act, or the renewal of such licence, by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either orally or in writing, such person shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$100 and not more than \$250. Obtaining licence by false representation.

25.—(1) If any person ceases to be licensed under this Act, he shall, within fourteen days thereafter, transmit his licence to the Council for cancellation, and, if he fails to do so, he shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$25, and to a further penalty of not less than \$3 and not more than \$5 for every day on which the offence continues after conviction. Failure to surrender licence.

(2) Any person who, Abuse of licence.

- (a) uses a licence issued under this Act to another person; or
- (b) allows a licence, issued to him under this Act, to be used by any other person; or
- (c) not being licensed under this Act, uses or has in his possession any document purporting to be a licence issued to him under this Act,

shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$50 and not more than \$100 and, in the case of a continuing offence, to a further penalty of not less than \$15 and not more than \$25 for every day on which the offence continues after conviction.

26.—(1) On and after the licensing date and subject to the provisions of this section, no person who is not licensed under this Act shall, within Ontario, Restriction on use of title or carrying on business of public accountant.

- (a) take or use the name or title of "Public Accountant";
- (b) practise as a public accountant; or

- (c) hold himself out as being licensed as a public accountant or use any designation or initials indicating or implying that he is licensed as a public accountant.

Permission
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non-resident
to practise.

(2) Notwithstanding anything in this section, the Council may permit any person who is a non-resident of Ontario to practise as a public accountant within Ontario without a licence under this Act, subject to any terms and conditions that may from time to time be prescribed.

Penalties.

(3) Any person contravening the provisions of this section shall, without prejudice to any other proceedings which may be taken, be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$100 and not more than \$250 for a first offence and to a penalty of not less than \$200 and not more than \$500 for any subsequent offence.

Defence.

(4) Where a contravention of this section by any person is occasioned by the fact that his licence has been revoked, it shall be a good defence to any proceedings in respect of such contravention to prove that, at the time when such contravention is alleged to have been committed, notice of the revocation had not been served in accordance with this Act or the regulations hereunder, or that the time for appealing from the revocation had not expired or an appeal therefrom had been brought and had not been determined.

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27.—(1) After the licensing date, it shall not be lawful for a body corporate to practise as a public accountant and any body corporate contravening the provisions of this subsection shall, without prejudice to any other proceedings which may be taken, be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$100 and not more than \$250 for a first offence and to a penalty of not less than \$200 and not more than \$500 for any subsequent offence.

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(2) If a corporate body is guilty of an offence under subsection 1, every director or officer of the body corporate who consented to, or connived at or was responsible for the commission of the offence, shall be deemed to be a party to and guilty of the offence and shall be liable to be proceeded against and fined accordingly.

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28. After the licensing date no person shall be entitled to recover any costs incurred or charges made as a public accountant after that date unless such person was licensed under this Act at the time when such costs were incurred or when the services were rendered in respect of which such charges were made.

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(2) The Council shall manage, administer and keep proper ^{Management of funds.} accounts of the fund.

(3) The Council may invest any moneys standing to the ^{Investment of moneys.} credit of the fund in any security in which trustees are authorized to invest.

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(a) to the members of the Council such allowances for travelling and subsistence expenses incurred in the discharge of their functions; and

(b) to the secretary and any other officers and employees of the Council such salaries and remuneration and on retirement or death, such pensions and gratuities,

as the Council may determine.

(2) The Council may make provision for the dependants ^{Dependants of employees.} of any of its employees.

31. The annual accounts of the Council and of its officers ^{Audit of accounts.} and of any committee appointed by the Council shall be audited by a person licensed under this Act and appointed annually by the Council; provided that a member of the Council or a person who is in partnership with such a member shall not be eligible for appointment as auditor under this section.

32.—(1) Within three months after the end of each financial year the Council shall forward a copy of the audited ^{Accounts to be furnished to qualifying bodies, etc.} accounts of the Council for that year to each qualifying body and to the Provincial Secretary.

(2) Any person licensed under this Act shall be entitled ^{Copies.} upon demand to receive a copy of the audited accounts.

33.—(1) Subject to the provisions of this Act, the Council ^{Regulations, etc.} shall or may, as the case may be, prescribe by regulation

anything which is by this Act required or authorized to be prescribed and may make such further provisions as may seem to the Council necessary or desirable for carrying out or facilitating any of the purposes of this Act.

Copies. (2) The Council shall on receipt of the prescribed charges supply a copy of any regulations made under this Act and of any forms prescribed by such regulations to any person applying therefor.

Annulment. (3) The Lieutenant-Governor in Council may annul any regulation made by the Council under this Act.

**Authen-
tication of
regulations
and other
documents.** **34.** Every regulation, licence, notice or other document made, granted or issued by the Council for any purpose whatsoever may be signed on behalf of the Council by the secretary or by such other officer of the Council as may from time to time be authorized by the Council so to do, and when so signed shall be *prima facie* evidence of such regulation, licence, notice or other document.

**Service of
documents.** **35.**—(1) Any notice or document required to be given by or for the purposes of this Act may be sent by prepaid post and when so sent shall be deemed to be properly addressed if addressed to the person or body for whom intended at the last address of such person or body appearing in the roll or records of the Council, as the case may be.

Idem. (2) Any notice relating to,
 (a) the refusal to grant or renew a licence;
 (b) the revocation of a licence; or
 (c) the removal of the name of any person from the roll,
 shall be sent by prepaid registered post.

Saving. **36.** Nothing in this Act shall preclude a registered member of the Society of Industrial and Cost Accountants of Ontario, or any other person, from practising as an industrial accountant, a cost accountant or a cost consultant, and from designating himself as such.

**Freedom
from action.** **37.** No action shall be brought against the Council or any member or former member thereof that is based on the refusal of the Council to grant or renew a licence or that is based on the revocation by the Council of a licence.

**Commence-
ment of Act.** **38.** This Act shall come into force on the day it receives the Royal Assent.

Short title. **39.** This Act may be cited as *The Public Accountancy Act, 1950*.

BILL

An Act to regulate the Profession of
Public Accountancy in Ontario.

1st Reading

March 23rd, 1950

2nd Reading

March 30th, 1950

3rd Reading

April 5th, 1950

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Provincial Aid to Drainage Act.

MR. DOUCETT

EXPLANATORY NOTE

This Bill implements the recommendations of the report of the Select Committee on Conservation in respect of provincial aid to drainage.

The provision that to qualify for grants under *The Provincial Aid to Drainage Act* the work must cost more than \$5,000, is removed and the former basis for grants of twenty per centum of the cost of the work is increased in the counties to $33\frac{1}{3}\%$, and in municipalities in the territorial districts to $66\frac{2}{3}\%$. Provision is also made for the payment of grants up to 80% of the cost of farm drainage works in those parts of the territorial districts not included in a municipality.

No. 130

1950

BILL

An Act to amend The Provincial Aid to Drainage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *a* and *b* of subsection 1 of section 2 of *The Provincial Aid to Drainage Act*, as amended by section 1 of *The Provincial Aid to Drainage Amendment Act, 1949*, are repealed and the following substituted therefor:

- (a) the trunk channel or channels of any drainage work, and in computing the cost thereof for the purpose of grants the cost of lateral drains and branches shall not be included but a *pro rata* share of all incidental expenses shall be included;
- (b) any work for the purpose of rendering a drainage work more effective by embanking or pumping or other mechanical means, and in computing the cost thereof for the purpose of grants the cost of all pumping machinery installed shall be included.

2. Section 3a of *The Provincial Aid to Drainage Act*, as enacted by section 2 of *The Provincial Aid to Drainage Amendment Act, 1949*, is repealed.

3. Subsection 1 of section 4 of *The Provincial Aid to Drainage Act* is repealed and the following substituted therefor:

- (1) When it appears to the Lieutenant-Governor in Council that the drainage work is or includes a work to which this Act applies, the Lieutenant-Governor in Council may cause an examination thereof to be made by an engineer of the Department of Public Works, who shall report fully thereon and upon all matters alleged in the petition, and upon receipt of his report and upon the practical completion of the work the Lieutenant-Governor in Council may pay out of the Consolidated Revenue Fund to the treasurer of the initiating municipality,—

(a) where the work is in a county, thirty-three and one-third per centum; or

(b) where the work is in a municipality in a territorial district or a provisional county, sixty-six and two-thirds per centum,

of the cost of the work as described and limited in section 2.

Rev. Stat.,
c. 70,
amended.

4. *The Provincial Aid to Drainage Act* is amended by adding thereto the following section:

Grants in
territory
without
municipal
organization.

5.—(1) The Lieutenant-Governor in Council may pay out of the Consolidated Revenue Fund an amount not exceeding eighty per centum of the cost of a drainage work as described and limited in section 2, where the work is in a territorial district but not in a municipality.

Regulations.

(2) The Lieutenant-Governor in Council may make regulations prescribing the manner in which, and the terms and conditions under which, grants may be paid under subsection 1.

Commence-
ment of Act.

5.—(1) This Act shall come into force on the day it receives the Royal Assent.

Operation
of Act.

(2) Grants may be paid under the provisions of *The Provincial Aid to Drainage Act* as amended by this Act only in respect of a drainage work the by-law for undertaking which is passed on or after the day this Act comes into force.

Idem.

(3) With respect to a drainage work the by-law for undertaking which was passed before the day this Act comes into force, grants may be paid under the provisions of *The Provincial Aid to Drainage Act* as if this Act had not been enacted.

Short title.

6. This Act may be cited as *The Provincial Aid to Drainage Amendment Act, 1950*.

BILL

An Act to amend The Provincial Aid to
Drainage Act.

1st Reading

March 27th, 1950

2nd Reading

3rd Reading

MR. DOUCETT

No. 130

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Provincial Aid to Drainage Act.

MR. DOUCETT

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 130

1950

BILL

An Act to amend The Provincial Aid to Drainage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *a* and *b* of subsection 1 of section 2 of *The Provincial Aid to Drainage Act*, as amended by section 1 of *The Provincial Aid to Drainage Amendment Act, 1949*, are repealed and the following substituted therefor: Rev. Stat., c. 70, s. 2, subs. 1, cls. a, b, re-enacted.

- (a) the trunk channel or channels of any drainage work, and in computing the cost thereof for the purpose of grants the cost of lateral drains and branches shall not be included but a *pro rata* share of all incidental expenses shall be included;
- (b) any work for the purpose of rendering a drainage work more effective by embanking or pumping or other mechanical means, and in computing the cost thereof for the purpose of grants the cost of all pumping machinery installed shall be included.

2. Section 3a of *The Provincial Aid to Drainage Act*, as enacted by section 2 of *The Provincial Aid to Drainage Amendment Act, 1949*, is repealed. Rev. Stat., c. 70, s. 3a (1949, c. 77, s. 2), repealed.

3. Subsection 1 of section 4 of *The Provincial Aid to Drainage Act* is repealed and the following substituted therefor: Rev. Stat., c. 70, s. 4, subs. 1, re-enacted.

- (1) When it appears to the Lieutenant-Governor in Council that the drainage work is or includes a work to which this Act applies, the Lieutenant-Governor in Council may cause an examination thereof to be made by an engineer of the Department of Public Works, who shall report fully thereon and upon all matters alleged in the petition, and upon receipt of his report and upon the practical completion of the work the Lieutenant-Governor in Council may pay out of the Consolidated Revenue Fund to the treasurer of the initiating municipality,— Examination and grant of aid on report.

(a) where the work is in a county, thirty-three and one-third per centum; or

(b) where the work is in a municipality in a territorial district or a provisional county, sixty-six and two-thirds per centum,

of the cost of the work as described and limited in section 2.

Rev. Stat.,
c. 70,
amended.

4. *The Provincial Aid to Drainage Act* is amended by adding thereto the following section:

Grants in
territory
without
municipal
organization.

5.—(1) The Lieutenant-Governor in Council may pay out of the Consolidated Revenue Fund an amount not exceeding eighty per centum of the cost of a drainage work as described and limited in section 2, where the work is in a territorial district but not in a municipality.

Regulations.

(2) The Lieutenant-Governor in Council may make regulations prescribing the manner in which, and the terms and conditions under which, grants may be paid under subsection 1.

Commence-
ment of Act.

5.—(1) This Act shall come into force on the day it receives the Royal Assent.

Operation
of Act.

(2) Grants may be paid under the provisions of *The Provincial Aid to Drainage Act* as amended by this Act only in respect of a drainage work the by-law for undertaking which is passed on or after the day this Act comes into force.

Idem.

(3) With respect to a drainage work the by-law for undertaking which was passed before the day this Act comes into force, grants may be paid under the provisions of *The Provincial Aid to Drainage Act* as if this Act had not been enacted.

Short title.

6. This Act may be cited as *The Provincial Aid to Drainage Amendment Act, 1950*.

BILL

An Act to amend The Provincial Aid to
Drainage Act.

1st Reading

March 27th, 1950

2nd Reading

March 29th, 1950

3rd Reading

March 31st, 1950

MR. DOUCETT

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Public Health Act.

MR. GOODFELLOW

EXPLANATORY NOTES

SECTIONS 1, 4 and 5. The amendments enlarge the provisions dealing with fumigators and fumigation to include exterminators and extermination.

SECTION 2—Subsection 1. The amendment clarifies the authority for existing regulations respecting the supply of insulin free of charge to indigent persons.

No. 131

1950

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Public Health Act*, as amended by Rev. Stat., c. 299, s. 1, amended. section 2 of *The Public Health Amendment Act, 1938*, section 1 of *The Public Health Amendment Act, 1940*, section 1 of *The Public Health Amendment Act, 1941*, section 1 of *The Public Health Amendment Act, 1942* and section 1 of *The Public Health Amendment Act, 1944*, is further amended by re-lettering clause *cc* as clause *ccc* and by adding thereto the following clauses:

- (cc) "Extermination" shall mean the use of any prescribed insecticide, rodenticide or any other prescribed substance used for the destruction or control of insects, vermin, rodents or other pests; "Extermination."
- (ccc) "Exterminator" shall mean any person who by himself or his associates, employees, servants, assistants or agents carries on the business or occupation of extermination in premises. "Exterminator."

(2) Clause *d* of the said section 1 is amended by striking out the word "or" in the second line and by adding at the end thereof the words "methyl bromide, choropicrin or any other substance prescribed by the regulations", so that the clause shall read as follows: Rev. Stat., c. 299, s. 1, cl. d, amended.

- (d) "Fumigation" shall mean fumigation by the use of hydrocyanic acid, cyanide compounds, methyl bromide, choropicrin or any other substance prescribed by the regulations. "Fumigation."

2.—(1) Section 5 of *The Public Health Act* is amended by adding thereto the following clause: Rev. Stat., c. 299, s. 5, amended.

- (ii) prescribing the terms and conditions upon which insulin may be supplied free of charge to indigent persons under section 54*a* and the forms to be used Insulin.

in connection therewith and requiring and providing for the payment by the municipality in which the indigent person resides of a contribution towards the cost thereof in an amount not to exceed twenty-five per centum of such cost.

Rev. Stat.,
c. 299, s. 5,
cls. w, x, y, z,
re-enacted.

(2) Clauses w, x, y and z of the said section 5 are repealed and the following substituted therefor:

(w) prescribing the terms and conditions upon which a license for fumigation or extermination may be issued, the fees payable therefor, the form and term thereof, and the terms and conditions upon which any such license may be renewed, suspended or revoked;

(ww) fixing the amount and type of bond or insurance which shall be furnished or carried by a fumigator or exterminator and prescribing the form, requirements and terms thereof;

(x) prescribing the procedures, methods and conditions for fumigation and extermination and prescribing the qualifications and providing for the licensing of every apprentice, employee, servant or assistant of any fumigator or exterminator;

(y) the issuing of permits by the local medical officer of health for fumigation of or extermination in any premises and the terms upon which any such permit may be issued, suspended or revoked;

(yy) prescribing the substances that may be used for fumigation and extermination;

(z) prescribing the types of premises to which the regulations respecting fumigation and extermination shall apply.

Rev. Stat.,
c. 299,
amended.

3. *The Public Health Act* is amended by adding thereto the following section:

Insulin
supplied
free of
charge.

54a.—(1) The Minister may supply insulin to indigent persons free of charge upon the terms and conditions prescribed by the regulations.

Cost of
supplying.

(2) The regulations may prescribe that the municipality in which the indigent person resides shall contribute a part of the cost of insulin, such contribution not to exceed twenty-five per centum of the cost.

Subsection 2. The amendments further enlarge the provisions dealing with fumigators and fumigation.

SECTION 3. The new section clarifies the authority for existing regulations for the supply of insulin free of charge.

4.—(1) Subsection 1 of section 75 of *The Public Health Act* Rev. Stat., c. 299, s. 75, subs. 1, amended. is amended by inserting after the word "fumigator" in the first line the words "or exterminator" and by inserting after the word "fumigation" in the second line the words "or extermination", so that the subsection shall read as follows:

- (1) No person other than a fumigator or exterminator No fumigation or extermination without license. licensed under the regulations shall be engaged in or perform any fumigation or extermination of premises anywhere in Ontario, except by permission in writing granted by the Minister.

(2) Subsection 2 of the said section 75, as re-enacted by Rev. Stat., c. 299, s. 75, subs. 2 (1942, c. 31, s. 3), re-enacted. section 3 of *The Public Health Amendment Act, 1942*, is repealed and the following substituted therefor:

- (2) No person,—

(a) shall be engaged in or perform or do any act No fumigation or extermination without permit. in connection with the fumigation of or extermination in any premises; or

(b) shall offer to fumigate or exterminate in any premises,

except under the authority of the regulations.

5.—(1) Subsection 1 of section 76 of *The Public Health Act* Rev. Stat., c. 299, s. 76, subs. 1, re-enacted. is repealed and the following substituted therefor:

- (1) Subject to the approval of the Minister, every municipality shall have authority to enact by-laws Municipal by-laws. respecting fumigation and extermination not inconsistent with this Act and the regulations and providing for the use of substances not mentioned in this Act or prescribed by the regulations.

(2) Subsection 2 of the said section 76 is amended by inserting after the word "fumigation" where it occurs in the third Rev. Stat., c. 299, s. 76, subs. 2, amended. and sixth lines respectively the words "and extermination", so that the subsection shall read as follows:

- (2) Any municipality may by by-law require that a fee Fee for permit. of \$1 shall be payable to the municipality and collected by the medical officer of health for every permit for fumigation and extermination issued under this Act and the regulations, and for the purpose of administering and enforcing the provisions of this Act, the regulations and any by-law relating to the fumigation and extermination of premises, the council

Inspectors.

of every municipality shall appoint such inspectors as the Minister may deem necessary, provided that if any such municipality fails to comply with the provisions of this section the Lieutenant-Governor in Council may make such appointments and all inspectors so appointed shall be paid by the municipality such remuneration as the Lieutenant-Governor in Council may determine.

Rev. Stat.,
c. 299, s. 80a
(1945,
c. 17, s. 5),
amended.

6. Section 80a of *The Public Health Act*, as enacted by section 5 of *The Public Health Amendment Act, 1945*, is amended by inserting after the word "persons" in the fifth line the words "or children between the ages of three years and sixteen years", so that the section shall read as follows:

Care of
aged and
infirm per-
sons and
children.

80a. Where a medical officer of health, inspector or other person in making any inspection or examination under section 80, finds that any premises are used for the accommodation of aged or infirm persons, or children between the ages of three years and sixteen years, for gain or reward, he may give such orders or directions as, in his opinion, are necessary to insure that such persons receive proper care and treatment, and in the event that his orders and directions are not carried out, he may order that the premises cease to be used for such accommodation.

Rev. Stat.,
c. 299, s. 127,
subs. 1,
amended.

7. Subsection 1 of section 127 of *The Public Health Act* is amended by adding thereto the following clauses:

- (e) respecting the entering into, adoption, establishment, operation, termination or suspension of,
 - (i) any contract for the employment of a duly qualified medical practitioner to undertake the medical and surgical care and treatment of employees, or
 - (ii) any scheme or arrangement for the medical, surgical and hospital care and treatment of employees,

mentioned in this section or section 127a, by the employers of labour referred to in clause d, and prescribing the forms to be used and reports to be made to the Minister;

- (f) prescribing, with respect to the deductions referred to in section 127a, the amount thereof, the method of collection, the accounting therefor, the reports to be made in connection therewith, and providing for the

SECTION 6. The provisions with regard to the inspection of accommodation for aged and infirm persons are enlarged to cover boarding homes for children.

SECTIONS 7 and 8. These provisions are to clarify the authority for existing regulations respecting medical, surgical and hospital care and treatment of employees engaged in lumbering, mining and railway construction camps and works in unorganized territory where sickness or accident is not associated with employment.

At present, where the employer has entered into an approved contract for this service, the employee's contribution is \$1.00 a month, which amount was originally fixed in the year 1908, and has remained unchanged since that time.

The amendment enables regulations to be made authorizing a deduction in an amount not exceeding \$1.50 a month.

inspection of employers' books and the conditions of payment to a duly qualified medical practitioner or other person entitled to receive such payments.

8. *The Public Health Act* is amended by adding thereto the following section: Rev. Stat., c. 299, amended.

127a. Where an employer of labour in camps or works mentioned in section 127 where labour is employed in accordance with the regulations and with the approval of the Minister has,— Medical contracts and schemes, deductions from wages.

(a) entered into a medical contract for the employment of a duly qualified medical practitioner to undertake the medical and surgical care and treatment of his employees; or

(b) established a scheme or entered into an arrangement for the medical, surgical and hospital care and treatment of his employees,

that employer may deduct an amount prescribed by the regulations, but not exceeding \$1.50 per month from the wages of each employee.

8. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

9. This Act may be cited as *The Public Health Amendment Act, 1950*. Short title.

BILL

An Act to amend The Public Health Act.

1st Reading

March 27th, 1950

2nd Reading

3rd Reading

MR. GOODFELLOW

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Public Health Act.

MR. GOODFELLOW

No. 131

1950

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Public Health Act*, as amended by Rev. Stat., c. 299, s. 1, amended. section 2 of *The Public Health Amendment Act, 1938*, section 1 of *The Public Health Amendment Act, 1940*, section 1 of *The Public Health Amendment Act, 1941*, section 1 of *The Public Health Amendment Act, 1942* and section 1 of *The Public Health Amendment Act, 1944*, is further amended by re-lettering clause *cc* as clause *ccc* and by adding thereto the following clauses:

(cc) "Extermination" shall mean the use of any prescribed insecticide, rodenticide or any other prescribed substance used for the destruction or control of insects, vermin, rodents or other pests; ^{"Extermination."}

(ccc) "Exterminator" shall mean any person who by himself or his associates, employees, servants, assistants or agents carries on the business or occupation of extermination in premises. ^{"Exterminator."}

(2) Clause *d* of the said section 1 is amended by striking out the word "or" in the second line and by adding at the end thereof the words "methyl bromide, chloropicrin or any other substance prescribed by the regulations", so that the clause shall read as follows: ^{Rev. Stat., c. 299, s. 1, cl. d, amended.}

(d) "Fumigation" shall mean fumigation by the use of hydrocyanic acid, cyanide compounds, methyl bromide, chloropicrin or any other substance prescribed by the regulations. ^{"Fumigation."}

2.—(1) Section 5 of *The Public Health Act* is amended by adding thereto the following clause: ^{Rev. Stat., c. 299, s. 5, amended.}

(ii) prescribing the terms and conditions upon which insulin may be supplied free of charge to indigent persons under section 54a and the forms to be used ^{Insulin.}

in connection therewith and requiring and providing for the payment by the municipality in which the indigent person resides of a contribution towards the cost thereof in an amount not to exceed twenty-five per centum of such cost.

Rev. Stat.,
c. 299, s. 5,
cls. w, x, y, z, and
re-enacted.

(2) Clauses *w*, *x*, *y* and *z* of the said section 5 are repealed and the following substituted therefor:

- (*w*) prescribing the terms and conditions upon which a license for fumigation or extermination may be issued, the fees payable therefor, the form and term thereof, and the terms and conditions upon which any such license may be renewed, suspended or revoked;
- (*ww*) fixing the amount and type of bond or insurance which shall be furnished or carried by a fumigator or exterminator and prescribing the form, requirements and terms thereof;
- (*x*) prescribing the procedures, methods and conditions for fumigation and extermination and prescribing the qualifications and providing for the licensing of every apprentice, employee, servant or assistant of any fumigator or exterminator;
- (*y*) the issuing of permits by the local medical officer of health for fumigation of or extermination in any premises and the terms upon which any such permit may be issued, suspended or revoked;
- (*yy*) prescribing the substances that may be used for fumigation and extermination;
- (*z*) prescribing the types of premises to which the regulations respecting fumigation and extermination shall apply.

Rev. Stat.,
c. 299,
amended.

3. The Public Health Act is amended by adding thereto the following section:

Insulin
supplied
free of
charge.

54a.—(1) The Minister may supply insulin to indigent persons free of charge upon the terms and conditions prescribed by the regulations.

Cost of
supplying.

(2) The regulations may prescribe that the municipality in which the indigent person resides shall contribute a part of the cost of insulin, such contribution not to exceed twenty-five per centum of the cost.

4.—(1) Subsection 1 of section 75 of *The Public Health Act* is amended by inserting after the word "fumigator" in the first line the words "or exterminator" and by inserting after the word "fumigation" in the second line the words "or extermination", so that the subsection shall read as follows:

Rev. Stat.,
c. 299, s. 75,
subs. 1,
amended.

- (1) No person other than a fumigator or exterminator licensed under the regulations shall be engaged in or perform any fumigation or extermination of premises anywhere in Ontario, except by permission in writing granted by the Minister.

No fumiga-
tion or
extermi-
nation
without
license.

(2) Subsection 2 of the said section 75, as re-enacted by section 3 of *The Public Health Amendment Act, 1942*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 299, s. 75,
subs. 2
(1942,
c. 31, s. 3),
re-enacted.

- (2) No person,—

(a) shall be engaged in or perform or do any act in connection with the fumigation of or extermination in any premises; or

No fumiga-
tion or
extermi-
nation
without
permit.

(b) shall offer to fumigate or exterminate in any premises,

except under the authority of the regulations.

5.—(1) Subsection 1 of section 76 of *The Public Health Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 299, s. 76,
subs. 1,
re-enacted.

- (1) Subject to the approval of the Minister, every municipality shall have authority to enact by-laws respecting fumigation and extermination not inconsistent with this Act and the regulations and providing for the use of substances not mentioned in this Act or prescribed by the regulations.

Municipal
by-laws.

(2) Subsection 2 of the said section 76 is amended by inserting after the word "fumigation" where it occurs in the third and sixth lines respectively the words "and extermination", so that the subsection shall read as follows:

Rev. Stat.,
c. 299, s. 76,
subs. 2,
amended.

- (2) Any municipality may by by-law require that a fee of \$1 shall be payable to the municipality and collected by the medical officer of health for every permit for fumigation and extermination issued under this Act and the regulations, and for the purpose of administering and enforcing the provisions of this Act, the regulations and any by-law relating to the fumigation and extermination of premises, the council

Fee for
permit.

Inspectors.

of every municipality shall appoint such inspectors as the Minister may deem necessary, provided that if any such municipality fails to comply with the provisions of this section the Lieutenant-Governor in Council may make such appointments and all inspectors so appointed shall be paid by the municipality such remuneration as the Lieutenant-Governor in Council may determine.

Rev. Stat.,
c. 299, s. 80a
(1945,
c. 17, s. 5),
amended.

6. Section 80a of *The Public Health Act*, as enacted by section 5 of *The Public Health Amendment Act, 1945*, is amended by inserting after the word "persons" in the fifth line the words "or children between the ages of three years and sixteen years", so that the section shall read as follows:

Care of
aged and
infirm per-
sons and
children.

80a. Where a medical officer of health, inspector or other person in making any inspection or examination under section 80, finds that any premises are used for the accommodation of aged or infirm persons, or children between the ages of three years and sixteen years, for gain or reward, he may give such orders or directions as, in his opinion, are necessary to insure that such persons receive proper care and treatment, and in the event that his orders and directions are not carried out, he may order that the premises cease to be used for such accommodation.

Rev. Stat.,
c. 299, s. 127,
subs. 1,
amended.

7. Subsection 1 of section 127 of *The Public Health Act* is amended by adding thereto the following clauses:

- (e) respecting the entering into, adoption, establishment, operation, termination or suspension of,
 - (i) any contract for the employment of a duly qualified medical practitioner to undertake the medical and surgical care and treatment of employees, or
 - (ii) any scheme or arrangement for the medical, surgical and hospital care and treatment of employees,

mentioned in this section or section 127a, by the employers of labour referred to in clause d, and prescribing the forms to be used and reports to be made to the Minister;

- (f) prescribing, with respect to the deductions referred to in section 127a, the amount thereof, the method of collection, the accounting therefor, the reports to be made in connection therewith, and providing for the

inspection of employers' books and the conditions of payment to a duly qualified medical practitioner or other person entitled to receive such payments.

8. *The Public Health Act* is amended by adding thereto the following section: Rev. Stat.,
c. 299,
amended.

127a. Where an employer of labour in camps or works mentioned in section 127 where labour is employed, in accordance with the regulations and with the approval of the Minister, has,— Medical
contracts
and schemes,
deductions
from wages.

- (a) entered into a medical contract for the employment of a duly qualified medical practitioner to undertake the medical and surgical care and treatment of his employees; or
- (b) established a scheme or entered into an arrangement for the medical, surgical and hospital care and treatment of his employees,

that employer may deduct an amount prescribed by the regulations, but not exceeding \$1.50 per month from the wages of each employee.

9. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment of Act.

10. This Act may be cited as *The Public Health Amendment Act, 1950*. Short title.

BILL

An Act to amend The Public Health Act.

1st Reading

March 27th, 1950

2nd Reading

March 29th, 1950

3rd Reading

March 31st, 1950

MR. GODFELLOW

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

The Income Tax Act, 1950.

MR. FROST

No. 132

1950

BILL

The Income Tax Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I—INCOME TAX

DIVISION A—LIABILITY FOR TAX

1.—(1) An income tax shall be paid as hereinafter required ^{Residents.} upon the tax payable under Part I of *The Income Tax Act* ^{1948, c. 52} (Canada) for each taxation year by every individual resident ^{(Can.).} in Ontario at any time in the year.

(2) Where an individual who is not taxable under sub- ^{Non-}section 1 for a taxation year, ^{residents}

(a) was employed in Ontario at any time in the year; or

(b) carried on business in Ontario at any time in the year,

an income tax shall be paid as hereinafter required upon the tax payable under Part I of *The Income Tax Act* (Canada) for each taxation year. *New.*

2.—(1) The tax payable under this Part for a taxation ^{Rate.} year shall be five per centum of the tax payable under section 31 of *The Income Tax Act* (Canada) for the same taxation year.

(2) For the purpose of subsection 1, the tax payable under ^{Idem.} section 31 of *The Income Tax Act* (Canada) means the tax otherwise payable under Part I of *The Income Tax Act* (Canada). *New.*

DIVISION B—APPLICATION OF THE INCOME TAX ACT (Canada).

3. For the purposes of this Act, all the provisions of *The* ^{Application} *Income Tax Act* (Canada) comprising, ^{of} ^{1948, c. 52} ^{(Can.).}

- (a) Part I, except Divisions F, I and J;
- (b) Part V; and
- (c) Part VI,

affecting the tax payable under Part I of that Act by an individual taxable under this Act, as they from time to time apply, shall apply *mutatis mutandis* under this Act, provided that in this Act the Treasurer and Controller shall exercise the powers and duties conferred and imposed upon the Minister and the Deputy Minister, respectively, under *The Income Tax Act* (Canada). *New.*

1948, c. 52
(Can.).

DIVISION C—RETURNS, ASSESSMENTS, PAYMENT AND APPEALS

Returns,

4.—(1) A return of the tax payable for each taxation year for which a tax is payable under this Act shall, without notice or demand therefor, be filed with the Controller in prescribed form and containing prescribed information,

deceased
persons;

- (a) in the case of a taxpayer who has died without making the return, by his legal representative, within six months from the day of death;

trusts or
estates;

- (b) in the case of an estate or trust, within ninety days from the end of the year;

individuals;

- (c) in the case of any other taxpayer, on or before the 30th day of April, in the next year, by that individual or, if he is unable for any reason to file the return, by his guardian, committee or other legal representative; or

designated
persons.

- (d) in a case where no person described by clause *a*, *b* or *c* has filed the return, by such person as is required by notice in writing from the Controller to file the return, within such reasonable time as the notice specifies.

Demands for
returns.

(2) Every taxpayer, whether or not he is liable to pay tax under this Part for a taxation year and whether or not he has filed a return under subsection 1, shall, upon receipt at any time of a demand therefor in writing from the Treasurer or any person thereunto authorized by the Treasurer, file forthwith with the Controller a return of his tax for the year in the prescribed form and containing prescribed information.

Trustees,
etc.

(3) Every trustee in bankruptcy, assignee, liquidator, curator, trustee or committee and every agent or other person administering, managing, winding-up, controlling or other-

wise dealing with the property, business, estate or income of a taxpayer who has not filed a return for a taxation year as required by this section shall file a return in the prescribed form of the tax payable by that taxpayer for that year.

(4) Where a taxpayer who is a partner in or is a proprietor of a business died after the close of a fiscal period but before the end of the calendar year in which the fiscal period closed, a separate return of the tax payable for the period following the close of the fiscal period to the time of death shall be filed and the tax payable under this Part shall be paid as if such tax were the tax payable by another taxpayer. *New.* Death of a partner or proprietor.

5. Every taxpayer or person required by section 4 to file a return shall in the return estimate the amount of tax payable. *New.* Estimate of tax.

6.—(1) The Treasurer shall, with all due despatch, examine each return and assess the tax for the taxation year and the interest and penalties, if any, payable. Rules re assessment.

(2) After examination of the return, the Treasurer shall send a notice of assessment to the taxpayer or person by whom the return was filed. Idem.

(3) Liability for tax under this Part is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made. Idem.

(4) The Treasurer may at any time assess tax, interest or penalties and may, Idem.

(a) at any time, if the taxpayer or person filing the return has made any misrepresentation or committed any fraud in filing the return or supplying information under this Act; and

(b) within six years from the day of the original assessment in any other case,

re-assess or make additional assessments.

(5) The Treasurer is not bound by a return or information supplied by or on behalf of a taxpayer and, in making an assessment, may, notwithstanding a return or information so supplied or if no return has been filed, assess the tax payable under this Part. Idem.

(6) An assessment shall, subject to being varied or vacated on an objection or appeal under this Part and subject to re-assessment, be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto. *New.* Idem.

Withhold-
ing tax.

7.—(1) Every person paying salary or wages or other remuneration to an officer or employee, a superannuation or pension benefit, a retiring allowance, an annuity payment, director's fee or fees, commissions or other amounts for services, at any time in a taxation year shall deduct or withhold therefrom such amount as may be prescribed and shall, within one week of the day when he became liable to make the payment or at such other time as may be prescribed, remit that amount to the Treasurer on account of the tax payable by the payee for the year under this Part.

Payment of
remainder.

(2) Where amounts have been deducted or withheld under this section from the remuneration received by a taxpayer in a taxation year, if the total of such amounts equals or is greater than three-quarters of the tax payable under this Part, he shall, on or before the 30th day of April in the next year, pay to the Treasurer the remainder of his tax for the year as estimated under section 5. *New.*

Farmers and
fishermen.

8. Every taxpayer, the chief source of income of whom is farming or fishing, shall pay to the Treasurer,

- (a) on or before the 31st day of December in each taxation year, two-thirds of the tax as estimated by him for the year or of the tax payable by him for the immediately preceding year; and
- (b) on or before the 30th day of April in the next year, the remainder of the tax as estimated under section 5. *New.*

Other in-
dividuals.

9. Every taxpayer, other than one to whom subsection 2 of section 7 or section 8 applies, shall pay to the Treasurer,

- (a) on or before the 31st day of March, the 30th day of June, the 30th day of September and the 31st day of December, respectively, in each taxation year, an amount equal to one-quarter of the tax as estimated by him for the year or of the tax payable by him for the immediately preceding year; and
- (b) on or before the 30th day of April in the next year, the remainder of the tax as estimated under section 5.

Payment of
remainder.

10.—(1) Every taxpayer shall, within thirty days from the day of the mailing of the notice of assessment, pay to the Treasurer any part of the assessed tax, interest and penalties then remaining unpaid, whether or not an objection to or appeal from the assessment is outstanding.

(2) Where, in the opinion of the Treasurer, a taxpayer is *Idem.* attempting to avoid payment of taxes, the Treasurer may direct that all taxes, penalties and interest be paid forthwith upon assessment. *New.*

11.—(1) Every person required by section 4 to file a return of the tax payable by any other taxpayer for a taxation year shall, within thirty days of mailing of the notice of assessment, pay all taxes, penalties and interest payable by or in respect of that taxpayer to the extent that he has or had, at any time since the taxation year, in his possession or control property belonging to that taxpayer or his estate and shall thereupon be deemed to have made that payment on behalf of such taxpayer. Payment on behalf of others.

(2) Every assignee, liquidator, administrator, executor and other like person, other than a trustee in bankruptcy, before distributing any property under his control, shall obtain a certificate from the Treasurer certifying that there are not outstanding any taxes, interest or penalties that have been assessed under this Act and are chargeable against or payable out of the property. Certificate before distribution.

(3) Distribution of property without a certificate required by subsection 2 renders the person required to obtain the certificate personally liable for the unpaid taxes, interest and penalties. *New.* Liability.

12.—(1) Where the amount paid on account of tax payable by a taxpayer under this Part for a taxation year before the expiration of the time allowed for filing the return of the tax payable by such taxpayer is less than the amount of tax payable for the year under this Part, such taxpayer shall pay interest on the difference between those two amounts from the expiration of the time for filing the return to the day of payment at six per centum per annum. Interest — general.

(2) In addition to the interest payable under subsection 1, where a taxpayer, being required by this Part to pay a part or instalment of tax, has failed to pay all or any part thereof as required, he shall, on payment of the amount he failed to pay, pay interest at six per centum per annum from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he becomes liable to pay interest thereon under subsection 1, whichever is earlier. Interest — on instalments.

(3) For the purposes of subsection 2, where a taxpayer is required to pay a part or instalment of tax for a taxation year, as payable by him for a preceding year or estimated by him for the taxation year, he shall be deemed to have been liable to pay a part or instalment computed by reference to the tax payable, Limitation.

(a) for the preceding year; or

(b) for the taxation year,

whichever is the lesser.

Participation
certificates.

(4) Notwithstanding any other provision in this section, no interest is payable in respect of the amount by which the tax payable by a taxpayer is increased by a payment made by the Canadian Wheat Board on a participation certificate previously issued to him until thirty days after the payment is made.

Limitation
on interest
period.

(5) No interest under this section upon the amount by which the unpaid taxes exceed the amount estimated under section 5 is payable in respect of the period beginning twelve months after the day fixed by this Act for filing the return or twelve months after the return was actually filed, whichever was later, and ending thirty days from the day of mailing of the notice of the original assessment for the taxation year.
New.

Penalties —
delay in
making
returns.

13.—(1) Every taxpayer who has failed to make a return as and when required by subsection 1 of section 4 is liable to a penalty of,

(a) an amount equal to five per centum of the tax that was unpaid when the return was required to be filed, if the tax payable under this Part that was unpaid at that time was less than \$10,000; and

(b) \$500, if, at the time the return was required to be filed, tax payable under this Part equal to \$10,000 or more was unpaid.

Idem.

(2) Every person who has failed to file a return as required by subsection 3 of section 4 is liable to a penalty of \$10 for each day of default but not exceeding \$50.

Failure to
complete in-
formation.

(3) Every person who has failed to complete the information on a prescribed form as required by or pursuant to section 4 is, unless in the case of a taxpayer the Treasurer has waived it, liable to a penalty,

(a) of one per centum of the tax payable under this Part but, whether he is taxable or not, not less than \$25 or more than \$100; or

(b) in the case of a taxpayer, of such lesser amount as the Treasurer may have fixed in respect of the specific failure. *New.*

14.—(1) The Treasurer may, upon mailing the notice of ^{Refunds.} assessment, refund, without application therefor, any overpayment made on account of the tax and he shall make such a refund after mailing the notice of assessment if application in writing is made therefor by the taxpayer within twelve months from the day the overpayment was made or the day on which the notice of assessment was sent, whichever is the later.

(2) Instead of making a refund that might otherwise be made under this section, the Treasurer may, where the taxpayer is liable or about to become liable to make another payment under this Act, apply the amount of the overpayment to that other liability and notify the taxpayer of that action. ^{Application to other taxes.}

(3) Where an amount in respect of an overpayment is refunded or applied on other liability under this section, ^{Interest on overpayment.} interest shall be paid or applied for the period commencing,

- (a) on the day when the overpayment arose;
- (b) on the day on or before which the return in respect of which the tax was paid was required to be filed; or
- (c) on the day that the return was actually filed,

whichever was later, and ending with the day of refunding or application aforesaid at the rate of,

- (d) two per centum per annum on the amount of the overpayment or \$5,000, whichever is lesser; and
- (e) one-half of one per centum per annum on any part of the overpayment in excess of \$5,000,

unless the amount of the interest so calculated is less than \$1, in which event no interest is payable under this subsection.

(4) For the purpose of this section, the term "overpayment" ^{Interpretation.} means the aggregate of all amounts paid on account of tax minus all amounts payable under this Act or an amount so paid where no amount is so payable. *New.*

15.—(1) A taxpayer who objects to an assessment under this Act may, within sixty days from the day of mailing the notice of assessment, serve on the Treasurer a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts. ^{Notice of objection.}

(2) A notice of objection under this section shall be served ^{Service.} by being sent by registered mail to the Treasurer.

Re-consider-
ation.

(3) Upon receipt of the notice of objection, the Treasurer shall with all due despatch reconsider the assessment and vacate, confirm or vary the assessment or re-assess and he shall thereupon notify the taxpayer of his action by registered mail. *New.*

Appeal.

16. Where a taxpayer has served notice of objection to an assessment under section 15, he may appeal to the tax appeal board constituted under section 19 to have the assessment vacated or varied after either,

- (a) the Treasurer has confirmed the assessment or re-assessed; or
- (b) one hundred and eighty days have elapsed after service of the notice of objection and the Treasurer has not notified the individual that he has vacated or confirmed the assessment or re-assessed,

but no appeal under this section may be instituted after the expiration of ninety days from the day notice has been mailed to the taxpayer under section 15 that the Treasurer has confirmed the assessment or re-assessed. *New.*

Appeal.

17.—(1) The Treasurer or the taxpayer may, within one hundred and twenty days from the day on which the registrar of the tax appeal board mails the decision on an appeal under section 16 to the Treasurer and the taxpayer, appeal to the Supreme Court.

Procedure.

(2) All matters in connection with an appeal under this section shall be regulated under the rules of the Supreme Court. *New.*

Irregulari-
ties.

18. An assessment shall not be vacated or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act. *New.*

DIVISION D—TAX APPEAL BOARD

Tax appeal
board con-
stituted.

19. There is hereby constituted a tax appeal board to be appointed by the Lieutenant-Governor in Council, consisting of the following members, namely, a chairman and not less than two or more than four other members of whom one may be appointed as assistant chairman.

Qualifica-
tions.

20.—(1) No person shall be appointed chairman or assistant chairman unless he is,

- (a) a judge of a superior, county or district court in Ontario; or
- (b) a barrister of at least ten years' standing at the bar of Ontario,

but, if a person who is a judge is appointed chairman or assistant chairman, he shall cease to hold office ninety days after his appointment unless,

- (c) within that time he has resigned from his office as judge; or
- (d) his appointment as chairman or assistant chairman was for a period not exceeding two years and he has been granted leave of absence without pay for that period from his office as a judge.

(2) No person who has attained the age of sixty-five years Age limit. shall be appointed a member.

(3) Where the chairman, assistant chairman or any other member is ill or otherwise unable to act, or where his office is vacant, the Lieutenant-Governor in Council may appoint some person qualified to hold the office to act in his stead during his illness or incapacity or until the office is filled, as the case may be. In case of illness or vacancy.

(4) The chairman, the assistant chairman and the members shall be paid such salaries as are determined by the Lieutenant-Governor in Council. Salaries.

(5) Every member shall be paid allowances for travelling as are determined by the Lieutenant-Governor in Council. Travelling allowances.

(6) A person having the qualifications provided by subsection 1 for the chairman or assistant chairman may be appointed by the Lieutenant-Governor in Council a hearing officer for an appeal or group of appeals and paid such remuneration and expenses as may be determined by the Lieutenant-Governor in Council. Hearing officers. *New.*

21. The board may, subject to the approval of the Lieutenant-Governor in Council, make rules not inconsistent with this Act governing the carrying on of the business of the board and practice and procedure in connection with appeals. Board may make rules. *New.*

22.—(1) The chairman or assistant chairman and not less than one-half of the other members of the board are a quorum. Quorum.

Appeal hearing by two or more members.

(2) The chairman or the board may direct that an appeal be heard and determined on behalf of the board, by the chairman or assistant chairman and one or more other members who shall have for the hearing and determination of the appeal all powers of the board.

Reference to full board.

(3) The members nominated to hear and determine an appeal may at any stage refer the appeal to the board and the board shall then in its discretion hear and determine the appeal or determine the appeal on the report of such members if the report was made after hearing the parties.

Taking evidence by hearing officer.

(4) Where an appeal is to be determined by the board, the chairman or the board may direct that evidence relating to the appeal, in whole or in part, be received by a hearing officer, the chairman or the assistant chairman, and the board shall, after,

(a) receiving the report of the hearing officer, the chairman or the assistant chairman; and

(b) holding a rehearing in whole or in part if in its discretion it deems it advisable so to do,

determine the appeal.

Powers of hearing officer, etc.

(5) A hearing officer, the chairman or the assistant chairman has all the powers of the board for the purpose of taking evidence pursuant to this section. *New.*

How appeal instituted.

23.—(1) An appeal to the board shall be instituted by serving upon the Treasurer a notice of appeal in triplicate in such form as may be determined by the rules and the Treasurer shall forthwith forward a copy of the notice to the board.

Notice of appeal.

(2) The notice of appeal shall be served upon the Treasurer by being sent by registered mail to the Controller.

Copies of documents.

(3) Immediately after receiving the notice of appeal, the Treasurer shall forward to the board copies of all documents relevant to the assessment. *New.*

Fee upon filing of notice of appeal.

24.—(1) An appellant shall pay to the Treasurer a fee of \$15 upon the serving of the notice of appeal and if the appeal is allowed, in whole or in part, the fee shall be returned to the appellant forthwith after disposition of the appeal but not otherwise.

No other fees or costs.

(2) Subject to subsection 1, no costs may be awarded on the disposition of an appeal and no fees may be charged the appellant by the board.

(3) Subject to subsection 1, fees paid under this section shall be retained in the Consolidated Revenue Fund. *New.* Disposition of fees.

25.—(1) The Treasurer and the appellant may appear in person or may be represented at the hearing by counsel or an agent or, with the consent of the Treasurer and the appellant, the board or the chairman may order that written submissions be filed in addition to or in place of an oral hearing. Treasurer and appellant may appear in person or be represented.

(2) An appeal may, in the discretion of the board, the chairman, the assistant chairman or hearing officer, as the case may be, be heard *in camera* or in public unless the appellant requests that it be heard *in camera* in which case it shall be so heard. Hearing may be in camera.

(3) The board is a court of record and may, To be court of record.

(a) summon before it any witness and require him to give evidence orally or in writing on oath or otherwise and to produce such documents and things as it deems requisite to the full investigation of the facts in issue; and

(b) enforce the attendance of witnesses and compel them to give evidence.

(4) The chairman may, subject to the rules and this Division, determine the procedure to be followed on an appeal. *New.* Procedure.

26.—(1) The board may dispose of an appeal by, Disposal of appeal.

(a) dismissing it;

(b) vacating the assessment;

(c) varying the assessment; or

(d) referring the assessment back to the Treasurer for reconsideration and re-assessment.

(2) Where an appeal is from an assessment or re-assessment made pursuant to a direction under section 126 of *The Income Tax Act* (Canada) as made applicable to this Act by section 3 hereof, the board has no jurisdiction to vacate or vary the assessment in so far as it is made in accordance with that direction; and, if it appears that the only matter at issue in the appeal is whether one of the purposes of the transaction or transactions was the avoidance or reduction of taxes, the board shall forthwith dismiss the appeal. Limitation of power of board. 1948, c. 52 (Can.).

Copy of
decision to
Treasurer
and
appellant.

(3) The registrar shall, upon the disposition of an appeal, forward by registered mail a copy of the decision and the reasons therefor to the Treasurer and the appellant. *New.*

Registrar
and deputy.

27.—(1) The Lieutenant-Governor in Council may appoint a registrar and a deputy registrar and fix their salaries.

Officers,
clerks and
employees.
1947, c. 89.

(2) Such other officers, clerks and employees as may be required to carry on the business of the board shall be appointed under *The Public Service Act, 1947.*

Control by
registrar.

(3) The registrar, or in his absence the deputy registrar, shall control and supervise the other persons employed under this section. *New.*

Offices.

28.—(1) The registrar, with the approval of the chairman, shall establish such office or offices as are required for the use of the members and staff of the board and provide therefor the necessary accommodation, furnishings, stationery, equipment and telephones and shall arrange for the necessary accommodation for the hearing of appeals.

Publica-
tion of
decisions.

(2) The registrar shall, under the control and direction of the chairman, make available for publication all decisions of the board. *New.*

Expenses.

29. The registrar shall, with the approval of the chairman, incur all expenses necessary for the carrying on of the business of the board and the hearing of appeals.

Provision
for expenses
and salaries.

30. All expenses and salaries under this Division shall be paid out of the Consolidated Revenue Fund. *New.*

Interpreta-
tion.

31. In this Division,

- (a) "assistant chairman" means the assistant chairman of the board;
- (b) "board" means the tax appeal board;
- (c) "chairman" means the chairman of the board;
- (d) "member" means a member of the board; and
- (e) "rule" means a rule made under section 21. *New.*

DIVISION E—APPEALS TO THE SUPREME COURT OF ONTARIO.

Appeals to
the Supreme
Court, how
instituted.

32.—(1) An appeal to the Supreme Court shall be instituted by service upon the taxpayer or the Treasurer, as

the case may be, a notice of appeal in triplicate in such form as may be determined by the rules and filing a copy thereof with the registrar of the tax appeal board.

(2) A notice of appeal shall be served upon the Treasurer by being sent by registered mail to the Controller and may be served upon the taxpayer either personally or by being sent to him at his last known address by registered mail. ^{Notice of appeal.}

(3) The appellant shall set out in the notice of appeal a statement of the allegations of fact, the statutory provisions and reasons which the appellant intends to submit in support of his appeal. ^{Statement of allegations.}

(4) An appeal by a taxpayer and all proceedings thereunder are, upon the expiration of thirty days from the day the appeal is instituted, null and void unless security for the costs of the appeal has been, within the said period, given to the satisfaction of the Treasurer in a sum of not less than \$400 and, upon an appeal becoming null and void by virtue of this section, no further appeal can be instituted in respect of the same decision. ^{Security for costs.}

(5) When security has been given under subsection 4, notice thereof in such form as may be determined by the rules shall be filed with the registrar of the tax appeal board. ^{Notice of security.} *New.*

33.—(1) The respondent shall, within sixty days from the day the notice of appeal is received, or within such further time as the court or a judge thereof may either before or after the expiration of that time allow, serve on the appellant and file in the court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as the respondent intends to rely on. ^{Reply to appeal.}

(2) The court or a judge may, in its or his discretion, strike out a notice of appeal or any part thereof for failure to comply with subsection 3 of section 32 and may permit an amendment to be made to a notice of appeal or a new notice of appeal to be substituted for the one struck out. ^{Amendment of notice of appeal.}

(3) The court or a judge may, in its or his discretion, ^{Amendment to reply.}

(a) strike out any part of a reply for failure to comply with this section or permit the amendment of a reply; and

(b) strike out a reply for failure to comply with this section and order a new reply to be filed within a time to be fixed by the order.

Failure to
comply.

(4) Where a notice of appeal is struck out for failure to comply with subsection 3 of section 32 and a new notice of appeal is not filed as and when permitted by the court or a judge, the court or a judge thereof may, in its or his discretion, dispose of the appeal by dismissing it.

Idem.

(5) Where a reply is not filed as required by this section or is struck out under this section and a new reply is not filed as ordered by the court or a judge within the time ordered, the court may dispose of the appeal *ex parte* or after a hearing on the basis that the allegations of fact contained in the notice of appeal are true. *New.*

Transmis-
sion of
papers with
transcript of
proceedings.

34.—(1) The registrar of the tax appeal board shall,

- (a) in the case of an appeal by the Treasurer, upon receipt of the notice of appeal; and
- (b) in the case of an appeal by a taxpayer, upon receipt of the notice of appeal and of notice of the giving of security,

cause to be transmitted to the registrar of the court all papers filed with the board on the appeal thereto together with a transcript of the record of the proceedings before the board.

Action in
court.

(2) Upon the filing of the material referred to in subsection 1 and of the reply required by section 33, the matter shall be deemed to be an action in the court and, unless the court otherwise orders, ready for hearing.

Facts not
set out may
be pleaded.

(3) Any fact or statutory provision not set out in the notice of appeal or reply may be pleaded or referred to in such manner and upon such terms as the court may direct.

Disposal
of appeal.

(4) The court may dispose of the appeal by,

- (a) dismissing it;
- (b) vacating the assessment;
- (c) varying the assessment; or
- (d) referring the assessment back to the Treasurer for reconsideration and re-assessment.

Court may
order pay-
ment of
tax, etc.

35. The court may, in delivering judgment disposing of an appeal, order payment or repayment of tax, interest, penalties or costs by the taxpayer or the Treasurer.

Proceedings
may be held
in camera.

36. Proceedings under this Division shall be held *in camera* upon request made to the court by the taxpayer.

37. Rules otherwise applicable to practice and procedure in the court shall be applicable to practice and procedure in appeals under this Division. ^{Rules of practice.}

38. In this Division, "court" mean s the Supreme Court of Ontario. ^{Interpretation.}

PART II—ADMINISTRATION AND ENFORCEMENT

39.—(1) The Treasurer shall administer and enforce this Act and control and supervise all persons employed to carry out or enforce this Act and the Controller may exercise all the powers and perform the duties of the Minister under this Act. ^{Treasurer's duty.}

(2) The Lieutenant-Governor in Council may appoint such officers and servants as are necessary to administer and enforce this Act and may fix their remuneration. ^{Staff.}

(3) The Treasurer may at any time extend the time for making a return under this Act. ^{Extensions for returns.}

(4) The Treasurer may, if he considers it advisable in a particular case, accept security for payment of taxes by way of mortgage or other charge of any kind whatsoever on property of the taxpayer or any other person or by way of guarantee from other persons. *New.* ^{Security.}

40. The Lieutenant-Governor in Council may make regulations, ^{Regulations.}

- (a) prescribing anything that, by this Act, is to be prescribed, determined or regulated by regulations;
- (b) prescribing the evidence required to establish facts relevant to assessments under this Act;
- (c) to facilitate the assessment of tax where deductions or exemptions of a taxpayer have changed in a taxation year;
- (d) requiring any class of persons to make information returns respecting any class of information required in connection with assessments under this Act;
- (e) authorizing a designated officer or class of officers to exercise powers or perform duties of the Treasurer or the Controller under this Act;
- (f) assigning the names of office of officers and other persons appointed under this Act;

- (g) requiring every person or every member of any group or class of persons ceasing to be a resident of Ontario to make application to the Treasurer for certificate that there are not outstanding any assessed taxes, interest or penalties payable under this Act and that he is not in default in filing any return required by or under this Act;
- (h) defining the classes of persons who may be regarded as dependent for the purposes of this Act; and
- (i) generally to carry out the purposes and the provisions of this Act. *New.*

Debts to His Majesty.

41. All taxes, interest, penalties, costs and other amounts payable under this Act are debts due to His Majesty for the uses of Ontario and shall be recoverable in any court of competent jurisdiction or in any other manner provided by this Act. *New.*

Certificates.

42.—(1) An amount payable under this Act that has not been paid or such part of an amount payable under this Act as has not been paid may, upon the expiration of thirty days after the default, be certified by the Treasurer.

Judgments.

(2) On production to the Supreme Court, a certificate made under this section shall be registered in the court and, when registered, has the same force and effect, and all proceedings may be taken thereon, as if the certificate were a judgment obtained in such court for a debt of the amount specified in the certificate plus interest to the day of payment as provided for in this Act.

Costs.

(3) All reasonable costs and charges attendant upon the registration of the certificate are recoverable in like manner as if they had been certified and the certificate had been registered under this section. *New.*

Garnishment.

43.—(1) When the Treasurer has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment under this Act, he may, by registered letter, require him to pay the moneys otherwise payable to that person in whole or in part to the Treasurer on account of the liability under this Act.

Idem.

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

Idem.

(3) Where the Treasurer has, under this section, required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable

by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Treasurer in the registered letter.

(4) Every person who has discharged any liability to a *Idem.* person liable to make a payment under this Act without complying with a requirement under this section is liable to pay to His Majesty in right of Ontario an amount equal to the liability discharged or the amount which he was required under this section to pay to the Treasurer, whichever is the lesser. *New.*

44.—(1) Where a person has failed to make a payment as required by this Act, the Treasurer, on giving ten days' notice by registered mail addressed to his last known place of residence, may, whether or not there is an objection to or appeal in respect of the assessment not disposed of, issue a certificate of the failure and direct that the goods and chattels of the person in default be seized. ^{Seizure of chattels.}

(2) Property seized under this section shall be kept for ten days at the cost and charges of the owner and, if he does not pay the amount due together with the costs and charges within the ten days, the property seized shall be sold by public auction. *Idem.*

(3) Except in the case of perishable goods, notice of the sale setting forth the time and place thereof, together with a general description of the property to be sold shall, a reasonable time before the goods are sold, be published at least once in one or more newspapers of general local circulation. *Idem.*

(4) Any surplus resulting from the sale after deduction of the amount owing and all costs and charges shall be paid or returned to the owner of the property seized. *Idem.*

(5) Such goods and chattels of any person in default as would be exempt from seizure under a writ of execution issued out of the Supreme Court are exempt from seizure under this section. *New.* *Idem.*

45.—(1) Where the Treasurer suspects that the taxpayer is about to leave Ontario, he may before the day otherwise fixed for payment, by notice served personally or by registered letter addressed to the taxpayer, demand payment of all taxes, interest and penalties for which the taxpayer is liable or would be liable if the time for payment had arrived and the same shall be paid forthwith notwithstanding any other provision of this Act. ^{Taxpayer leaving Ontario or defaulting.}

Idem. (2) Where a person has failed to pay tax, interest or penalties demanded under this section as required, the Treasurer may direct that the goods and chattels of the taxpayer be seized and subsections 2 to 5 of section 44 are, thereupon, applicable *mutatis mutandis*. *New.*

Withholding taxes. 46.—(1) No action lies against any person for withholding or deducting any sum of money in compliance or intended compliance with this Act.

Idem. (2) Every person whose employer is required to deduct or withhold any amount from his remuneration under section 7 shall, from time to time as prescribed, file a return with his employer in prescribed form.

Idem. (3) Every person failing to file a form as required by subsection 2 is liable to have the deduction or withholding from his salary or wages under section 7 made as though he were an unmarried person without dependants.

Idem. (4) Every person who deducts or withholds any amount under this Act shall be deemed to hold the amount so deducted or withheld in trust for His Majesty in right of Ontario.

Idem. (5) All amounts deducted or withheld by a person under this Act shall be kept separate and apart from his own moneys.

Idem. (6) Every person who deducts or withholds an amount under this Act is liable to pay to His Majesty in right of Ontario on the day fixed by or pursuant to this Act an amount equal to the amount so deducted or withheld and this liability constitutes a first charge on his property and ranks for payment in priority to all other claims.

Idem. (7) Where a person on whose behalf an amount has been paid to the Treasurer after having been deducted or withheld under this Act was not liable to pay any tax under this Act or where the amount so paid to the Treasurer on his behalf is in excess of the tax that he was liable to pay, the Treasurer shall, upon application in writing made within two years from the end of the calendar year in which the amount was paid, pay to him the amount so paid or such part thereof as he was not liable to pay, unless he is otherwise liable or about to become liable to make a payment under this Act, in which case, the Treasurer may apply the amount otherwise payable under this subsection to that payment and notify him of that fact.

Idem. (8) Any person who has failed to deduct or withhold any amount as required by this Act or a regulation is liable to pay to His Majesty in right of Ontario,

- (a) if the amount should have been deducted or withheld under subsection 1 of section 7 from an amount that has been paid to a person resident in Ontario, ten per centum of the amount that should have been deducted or withheld; and
- (b) in any other case, the whole amount that should have been deducted or withheld,

together with interest thereon at the rate of ten per centum per annum.

(9) Every person who has failed to remit an amount *Idem.* deducted or withheld as required by this Act or a regulation is liable to a penalty of ten per centum of that amount or \$10, whichever is the greater, in addition to the amount itself, together with interest on the amount at the rate of ten per centum per annum.

(10) The Treasurer may assess any person for any amount *Idem.* that has been deducted or withheld under this Act or a regulation or that is payable under this section and, upon his sending a notice of assessment by registered mail to that person, Division C of Part I is applicable *mutatis mutandis*.

(11) Provisions of this Act requiring a person to deduct or *Idem.* withhold an amount in respect of taxes from amounts payable to a taxpayer are applicable to His Majesty in right of Canada or a province.

(12) Where this Act requires an amount to be deducted *Idem.* or withheld, an agreement by the person on whom that obligation is imposed not to deduct or withhold, is void.

(13) The receipt of the Treasurer for an amount withheld *Idem.* or deducted by any person as required by or under this Act is a good and sufficient discharge of the liability of any debtor to his creditor with respect thereto to the extent of the amount referred to in the receipt. *New.*

47.—(1) Every taxpayer carrying on business and every person who is required, by or pursuant to this Act, to pay or collect taxes or other amounts shall keep records and books of account, including an annual inventory kept in the prescribed manner, at his place of business or residence in Ontario or at such other place as may be designated by the Treasurer, in such form and containing such information as will enable the taxes payable under this Act or the taxes or other amounts that should have been deducted, withheld or collected to be determined. Books and records.

Idem.

(2) Where a person has failed to keep adequate records and books of account for the purposes of this Act, the Treasurer may require him to keep such records and books of account as he may specify and that person shall thereafter keep records and books of account as so required.

Idem.

(3) Every person required by this section to keep records and books of account shall, until written permission for their disposal is obtained from the Treasurer, retain every such record or book of account and every account or voucher necessary to verify the information in any such record or book of account. *New.*

Investigations.

48.—(1) Any person thereunto authorized by the Treasurer for any purpose related to the administration or enforcement of this Act may, at all reasonable times, enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are, or should be, kept pursuant to this Act, and,

- (a) audit or examine the books and records and any account, voucher, letter, telegram or other document which relates or may relate to the information that is or should be in the books or records or the amount of tax payable under this Act;
- (b) examine property described by an inventory or any property, process or matter an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act;
- (c) require the owner or manager of the property or business and any other person on the premises or place to give him all reasonable assistance with his audit or examination and to answer all proper questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration and, for that purpose, require the owner or manager to attend at the premises or place with him; and
- (d) if, during the course of an audit or examination, it appears to him that there has been a violation of this Act or a regulation, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

(2) The Treasurer may, for any purpose related to the *Idem.* administration or enforcement of this Act, by registered letter or by a demand served personally require from any person,

- (a) any information or additional information, including a return of income or a supplementary return; or
- (b) production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents,

within such reasonable time as may be stipulated therein.

(3) The Treasurer may, for any purpose related to the *Search.* administration or enforcement of this Act, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Treasury Department, together with such members of the Ontario Provincial Police Force or other police officers as he calls on to assist him and such other persons as may be named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things which may afford evidence as to the violation of any provision of this Act or a regulation and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

(4) The Treasurer may, for any purpose related to the *Inquiry.* administration or enforcement of this Act, authorize any person, whether or not he is an officer of the Treasury Department, to make such inquiry as he may deem necessary with reference to anything relating to the administration or enforcement of this Act.

(5) Where any book, record or other document has been *Copies.* seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced or any officer of the Treasury Department may make, or cause to be made, one or more copies thereof and a document purporting to be certified by the Treasurer or a person thereunto authorized by the Treasurer to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have if it had been proven in the ordinary way.

(6) No person shall hinder or molest or interfere with any *Compliance.* person doing anything that he is authorized by or pursuant to this section to do, or prevent or attempt to prevent any person doing any such thing, and notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by or pursuant to this section to do.

Powers.

(7) For the purpose of an inquiry authorized under subsection 4, the person authorized to make the inquiry has all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*. *New.*

Rev. Stat.,
c. 19.

Ownership
certificates.

49.—(1) Before a bearer coupon or warrant representing either interest or dividends payable by any debtor or cheque representing dividends or interest payable by a non-resident debtor, is negotiated by or on behalf of a resident of Ontario, there shall be completed by or on behalf of the resident an ownership certificate in the prescribed form.

Idem.

(2) An ownership certificate completed pursuant to subsection 1 shall be delivered in such manner, at such time and at such place as may be prescribed and a person who has failed to do so is liable on summary conviction to a fine of not less than \$10 and not more than \$100.

Idem.

(3) A person who has failed to complete an ownership certificate as required by or under this Act and a debtor or other person who has cashed a coupon or warrant for which an ownership certificate has not been completed, is liable on summary conviction to a fine of not less than \$10 and not more than \$100. *New.*

Penalty re
information
returns.

50. Every person who has failed to make a return as and when required by regulation under section 40 or by subsection 2 of section 46 is liable to a penalty of \$10 a day for each day of default but not more than \$2,500 in all. *New.*

Execution
of docu-
ments by
corpora-
tions.

51. A return, certificate or other document made by a corporation pursuant to this Act or a regulation shall be signed on its behalf by the president, secretary or treasurer of the corporation or by any other officer or person thereunto duly authorized by the board of directors or other governing body of the corporation. *New.*

Offences.

52.—(1) Every person who has failed to file a return as and when required by or under this Act or a regulation is guilty of an offence and, in addition to any penalty otherwise provided, liable on summary conviction to a fine of not less than \$25 for each day of default.

Idem.

(2) Every person who has failed to comply with or contravened subsection 1 of section 7, subsection 5 of section 46, section 47 or section 48 is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to,

(a) a fine of not less than \$200 and not more than \$10,000; or

- (b) both the fine described in clause *a* and imprisonment for a term not exceeding six months.

(3) Where a person has been convicted under this section *Saving.* of failing to comply with a provision of this Act or a regulation, he is not liable to pay a penalty imposed under section 13, section 46 or section 50 for the same failure unless he was assessed for that penalty or that penalty was demanded from him before the information or complaint giving rise to the conviction was laid or made. *New.*

53.—(1) Every person who has,

Idem.

- (a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation;
- (b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a taxpayer;
- (c) made, or assented to or acquiesced in the making of, false or deceptive entries, or omitted, or assented to or acquiesced in the omission, to enter a material particular, in records or books of account of a taxpayer;
- (d) wilfully, in any manner, evaded or attempted to evade, compliance with this Act or payment of taxes imposed by this Act; or
- (e) conspired with any person to commit an offence described by clauses *a* to *d*,

is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to,

- (f) a fine of not less than \$25 and not more than \$10,000 plus, in an appropriate case, an amount not exceeding double the amount of the tax that should have been shown to be payable or that was sought to be evaded; or
- (g) both the fine described in clause *f* and imprisonment for a term of not more than two years.

(2) Every person who is charged with an offence described *Idem.* by subsection 1 may, at the election of the Attorney General of Ontario, be prosecuted upon indictment and, if convicted,

is, in addition to any penalty otherwise provided, liable to imprisonment for a term of not more than five years and not less than two months. *New.*

Communi-
cation of in-
formation.

54. Every person who, while employed in the service of His Majesty, has communicated or allowed to be communicated to a person not legally entitled thereto any information obtained under this Act or has allowed any such person to inspect or have access to any written statements furnished under this Act is guilty of an offence and liable on summary conviction to a fine not exceeding \$200. *New.*

Officers, etc.,
of corpora-
tions.

55. Where a corporation is guilty of an offence under this Act, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and is liable on summary conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted. *New.*

Power to
decrease
punishment.

56. Notwithstanding any other statute or law in force at the commencement of this Act, the court has, in any prosecution or proceeding under this Act, no power to impose less than the minimum fine or imprisonment fixed by this Act and the court has no power to suspend sentence. *New.*

Information
or com-
plaint.

57.—(1) An information or complaint under this Act may be laid or made by any officer of the Treasury Department or by any person thereunto authorized by the Treasurer and, where an information or complaint purports to have been laid or made under this Act, it shall be deemed to have been laid or made by a person thereunto authorized by the Treasurer and shall not be called in question for lack of authority of the informant or complainant except by the Treasurer or by some person acting for him or for His Majesty.

Two or
more
offences.

(2) An information or complaint in respect of an offence under this Act may be for one or more than one offence and no information, complaint, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Jurisdic-
tion.

(3) A complaint or information in respect of an offence under this Act may be heard, tried or determined by any magistrate if the accused is resident, carrying on business, found or apprehended or is in custody within his jurisdiction although the matter of the information or complaint did not arise within his jurisdiction.

Limitation
of prosecu-
tion.
R.S.C.,
c. 36.

(4) An information or complaint under Part XV of the *Criminal Code* in respect of an offence under this Act may be

laid or made on or before a day five years from the time when the matter of the information or complaint arose or within one year from the day on which evidence, sufficient in the opinion of the Treasurer to justify a prosecution for the offence, came to his knowledge, and the Treasurer's certificate as to the day on which such evidence came to his knowledge is conclusive evidence thereof.

(5) Where, by this Act or a regulation, provision is made for sending by mail a request for information, notice or demand, an affidavit of an officer of the Treasury Department sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records, that he has knowledge of the facts in the particular case, that such a request, notice or demand was sent by registered letter on a named day to the person to whom it was addressed, indicating such address, and that he identifies as exhibits attached to the affidavit the post-office certificate of registration of the letter or a true copy of the relevant portion thereof and a true copy of the request, notice or demand, shall be received as *prima facie* evidence of the sending and of the request, notice or demand. ^{Proof of service by mail.}

(6) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after a careful examination and search of the records he has been unable to find in a given case that the return, statement, answer or certificate, as the case may be, has been made by such person, shall be received as *prima facie* evidence that in such case that person did not make the return, statement, answer or certificate, as the case may be. ^{Proof of failure to comply.}

(7) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after careful examination of such records he has found that the return, statement, answer or certificate was filed or made on a particular day, shall be received as *prima facie* evidence that it was filed or made on that day and not prior thereto. ^{Proof of time of compliance.}

(8) An affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that a document annexed thereto is a document or true copy of a document made by or on behalf of the ^{Proof of documents.}

Treasurer or some person exercising the powers of the Treasurer or by or on behalf of a taxpayer, shall be received as *prima facie* evidence of the nature and contents of the document and shall be admissible in evidence and have the same probative force as the original document would have if it had been proven in the ordinary way.

Proof of
no appeal.

(9) An affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and has knowledge of the practice of the Department and that an examination of the records shows that a notice of assessment for a particular taxation year was mailed or otherwise communicated to a taxpayer on a particular day pursuant to this Act and that, after careful examination and search of the records, he has been unable to find that a notice of objection or of appeal from the assessment was received within the time allowed therefor, shall be received as *prima facie* evidence of the statements contained therein.

Presump-
tion.

(10) Where evidence is offered under this section by an affidavit from which it appears that the person making the affidavit is an officer of the Treasury Department, it is not necessary to prove his signature or that he is such an officer nor is it necessary to prove the signature or official character of the person before whom the affidavit was sworn.

Judicial
notice.

(11) Judicial notice shall be taken of all orders or regulations made under this Act without such orders or regulations being specially pleaded or proven.

PART III

Interpreta-
tion.

58.—(1) In this Act,

- (a) "amount" means money, rights or things expressed in terms of the amount of money or the value in terms of money of the right or thing;
- (b) "assessment" includes a re-assessment;
- (c) "Controller" means Controller of Revenue of Ontario;
- (d) "corporation" includes an incorporated company;
- (e) "employed" means performing the duties of an office or employment;

- (f) "employment" means the position of an individual in the service of some other person, including His Majesty or a foreign state or sovereign, and "servant" or "employee" means a person holding such a position;
- (g) "estate" means the trustee or the executor, administrator, heir or other legal representative having ownership or control of a trust or estate property;
- (h) "fiscal period" means the period for which the accounts of the business of the taxpayer has been ordinarily made up and accepted for purposes of assessment under this Act and, in the absence of an established practice, the fiscal period is that adopted by the taxpayer; provided that a fiscal period may not exceed a period of twelve months and that a change in a usual and accepted fiscal period may not be made for the purpose of this Act without the concurrence of the Treasurer;
- (i) "individual" means a person other than a corporation;
- (j) "inventory" means a description of property, the value of which is relevant in computing a taxpayer's income from a business for a taxation year;
- (k) "Minister" means Minister of National Revenue of Canada;
- (l) "non-resident" means not resident in Ontario;
- (m) "office" means the position of an individual entitling him to a fixed or ascertainable stipend or remuneration and includes a judicial office, the office of a Minister of the Crown, the office of a member of the Senate or House of Commons of Canada, a member of a legislative assembly, senator or member of a legislative or executive council and any other office, the incumbent of which is elected by popular vote or is elected or appointed in a representative capacity and also includes the position of a corporation director, and "officer" means a person holding such an office;
- (n) "prescribed" in the case of a form or the information to be given on a form, means prescribed by order of the Treasurer, and, in any other case, means prescribed by regulation;

- (o) "property" means property of any kind whatsoever whether real or personal or corporeal or incorporeal and, without restricting the generality of the foregoing, includes a right of any kind whatsoever, a share or a chose in action;
- (p) "regulation" means a regulation made by the Lieutenant-Governor in Council under this Act;
- (q) "taxpayer" includes any individual mentioned in Part I of this Act whether or not he is liable to pay tax;
- (r) "Treasurer" means Treasurer of Ontario;
- (s) "trust" means the trustee or the executor, administrator, heir or other legal representative having ownership or control of the trust or estate property;
- (t) "tax payable by a taxpayer under Part I" means the tax payable by him as fixed by assessment or reassessment subject to variation on objection or appeal, if any, in accordance with the provisions of that Part.

Taxation
year.

(2) For the purpose of this Act, a "taxation year" is, in the case of an individual, a calendar year, and when a taxation year is referred to by reference to a calendar year, the reference is to the taxation year or years coinciding with or ending in that year.

Extended
meaning of
resident.

(3) For the purposes of this Act, a person shall be deemed to have been resident in Ontario in a taxation year if,

- (a) he sojourned in Ontario in the year for a period of, or periods the aggregate of which is one hundred and eighty-three days or more;
- (b) he was, at any time in the year, a member of the naval, military or air forces of Canada, if, before his enlistment, he was ordinarily resident in Ontario; or
- (c) he was, at any time in the year,
 - (i) an ambassador, minister, high commissioner, officer or servant of Canada, or
 - (ii) an agent-general, officer or servant of Ontario,

and he was resident in Ontario immediately prior to appointment by Canada or Ontario, as the case may be, or received representation allowances in respect of the year.

(4) In this Act, a reference to a person resident in Ontario includes a person who was at the relevant time ordinarily resident in Ontario. Ordinarily resident.

(5) "Tax payable under Part I of *The Income Tax Act* (Canada)" and "tax payable under section 31 of *The Income Tax Act* (Canada)" and "tax otherwise payable under Part I of *The Income Tax Act* (Canada)" means "tax otherwise payable under this Part" as the definition of such term in subsection 2 of section 32 of *The Income Tax Act* (Canada) from time to time applies. *New.* Interpretation.

PART IV

59.—(1) The provisions of *The Income Tax Act* (Ontario) shall apply to the taxation year 1949 and earlier taxation years and the provisions of this Act shall apply thereafter. Where R.S.O. 1937, c. 25, still to apply.

(2) Subject to subsection 1, *The Income Tax Act* (Ontario) is repealed. R.S.O. 1937, c. 25, repealed, saving.

60. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation and shall be effective with respect to the income of individuals of the then current taxation year and succeeding years. Proclamation.

61. This Act may be cited as *The Income Tax Act, 1950* (Ontario). Short title.

BILL

The Income Tax Act, 1950.

1st Reading

March 28th, 1950

2nd Reading

3rd Reading

MR. FROST

No. 132

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

The Income Tax Act, 1950.

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 132

1950

BILL

The Income Tax Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I—INCOME TAX

DIVISION A—LIABILITY FOR TAX

1.—(1) An income tax shall be paid as hereinafter required ^{Residents.} upon the tax payable under Part I of *The Income Tax Act* ^{1948, c. 52} (Canada) for each taxation year by every individual resident ^{(Can.).} in Ontario at any time in the year.

(2) Where an individual who is not taxable under sub-section 1 for a taxation year, ^{Non-residents employed or carrying on business in Ontario.}

(a) was employed in Ontario at any time in the year; or

(b) carried on business in Ontario at any time in the year,

an income tax shall be paid as hereinafter required upon the tax payable under Part I of *The Income Tax Act* (Canada) for each taxation year. *New.*

2.—(1) The tax payable under this Part for a taxation ^{Rate.} year shall be five per centum of the tax payable under section 31 of *The Income Tax Act* (Canada) for the same taxation year.

(2) For the purpose of subsection 1, the tax payable under ^{Idem.} section 31 of *The Income Tax Act* (Canada) means the tax otherwise payable under Part I of *The Income Tax Act* (Canada). *New.*

DIVISION B—APPLICATION OF THE INCOME TAX ACT (CANADA).

3. For the purposes of this Act, all the provisions of *The* ^{Application of} *Income Tax Act* (Canada) comprising, ^{1948, c. 52} ^{(Can.).}

- (a) Part I, except Divisions F, I and J;
- (b) Part V; and
- (c) Part VI,

1948, c. 52
(Can.).

affecting the tax payable under Part I of that Act by an individual taxable under this Act, as they from time to time apply, shall apply *mutatis mutandis* under this Act, provided that in this Act the Treasurer and Controller shall exercise the powers and duties conferred and imposed upon the Minister and the Deputy Minister, respectively, under *The Income Tax Act* (Canada). *New.*

DIVISION C—RETURNS, ASSESSMENTS, PAYMENT AND APPEALS

- Returns.** 4.—(1) A return of the tax payable for each taxation year for which a tax is payable under this Act shall, without notice or demand therefor, be filed with the Controller in prescribed form and containing prescribed information,
- deceased persons; (a) in the case of a taxpayer who has died without making the return, by his legal representative, within six months from the day of death;
- trusts or estates; (b) in the case of an estate or trust, within ninety days from the end of the year;
- individuals; (c) in the case of any other taxpayer, on or before the 30th day of April, in the next year, by that individual or, if he is unable for any reason to file the return, by his guardian, committee or other legal representative; or
- designated persons. (d) in a case where no person described by clause *a*, *b* or *c* has filed the return, by such person as is required by notice in writing from the Controller to file the return, within such reasonable time as the notice specifies.
- Demands for returns.** (2) Every taxpayer, whether or not he is liable to pay tax under this Part for a taxation year and whether or not he has filed a return under subsection 1, shall, upon receipt at any time of a demand therefor in writing from the Treasurer or any person thereunto authorized by the Treasurer, file forthwith with the Controller a return of his tax for the year in the prescribed form and containing prescribed information.
- Trustees, etc.** (3) Every trustee in bankruptcy, assignee, liquidator, curator, trustee or committee and every agent or other person administering, managing, winding-up, controlling or other-

wise dealing with the property, business, estate or income of a taxpayer who has not filed a return for a taxation year as required by this section shall file a return in the prescribed form of the tax payable by that taxpayer for that year.

(4) Where a taxpayer who is a partner in or is a proprietor of a business died after the close of a fiscal period but before the end of the calendar year in which the fiscal period closed, a separate return of the tax payable for the period following the close of the fiscal period to the time of death shall be filed and the tax payable under this Part shall be paid as if such tax were the tax payable by another taxpayer. *New.* ^{Death of a partner or proprietor.}

5. Every taxpayer or person required by section 4 to file a return shall in the return estimate the amount of tax payable. *New.* ^{Estimate of tax.}

6.—(1) The Treasurer shall, with all due despatch, examine each return and assess the tax for the taxation year and the interest and penalties, if any, payable. ^{Rules re assessment.}

(2) After examination of the return, the Treasurer shall send a notice of assessment to the taxpayer or person by whom the return was filed. ^{Idem.}

(3) Liability for tax under this Part is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made. ^{Idem.}

(4) The Treasurer may at any time assess tax, interest or penalties and may, ^{Idem.}

(a) at any time, if the taxpayer or person filing the return has made any misrepresentation or committed any fraud in filing the return or supplying information under this Act; and

(b) within six years from the day of the original assessment in any other case,

re-assess or make additional assessments.

(5) The Treasurer is not bound by a return or information supplied by or on behalf of a taxpayer and, in making an assessment, may, notwithstanding a return or information so supplied or if no return has been filed, assess the tax payable under this Part. ^{Idem.}

(6) An assessment shall, subject to being varied or vacated on an objection or appeal under this Part and subject to re-assessment, be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto. *New.* ^{Idem.}

Withhold-
ing tax.

7.—(1) Every person paying salary or wages or other remuneration to an officer or employee, a superannuation or pension benefit, a retiring allowance, an annuity payment, director's fee or fees, commissions or other amounts for services, at any time in a taxation year shall deduct or withhold therefrom such amount as may be prescribed and shall, within one week of the day when he became liable to make the payment or at such other time as may be prescribed, remit that amount to the Treasurer on account of the tax payable by the payee for the year under this Part.

Payment of
remainder.

(2) Where amounts have been deducted or withheld under this section from the remuneration received by a taxpayer in a taxation year, if the total of such amounts equals or is greater than three-quarters of the tax payable under this Part, he shall, on or before the 30th day of April in the next year, pay to the Treasurer the remainder of his tax for the year as estimated under section 5. *New.*

Farmers and
fishermen.

8. Every taxpayer, the chief source of income of whom is farming or fishing, shall pay to the Treasurer,

- (a) on or before the 31st day of December in each taxation year, two-thirds of the tax as estimated by him for the year or of the tax payable by him for the immediately preceding year; and
- (b) on or before the 30th day of April in the next year, the remainder of the tax as estimated under section 5. *New.*

Other in-
dividuals.

9. Every taxpayer, other than one to whom subsection 2 of section 7 or section 8 applies, shall pay to the Treasurer,

- (a) on or before the 31st day of March, the 30th day of June, the 30th day of September and the 31st day of December, respectively, in each taxation year, an amount equal to one-quarter of the tax as estimated by him for the year or of the tax payable by him for the immediately preceding year; and
- (b) on or before the 30th day of April in the next year, the remainder of the tax as estimated under section 5.

Payment of
remainder.

10.—(1) Every taxpayer shall, within thirty days from the day of the mailing of the notice of assessment, pay to the Treasurer any part of the assessed tax, interest and penalties then remaining unpaid, whether or not an objection to or appeal from the assessment is outstanding.

(2) Where, in the opinion of the Treasurer, a taxpayer is *Idem.* attempting to avoid payment of taxes, the Treasurer may direct that all taxes, penalties and interest be paid forthwith upon assessment. *New.*

11.—(1) Every person required by section 4 to file a return of the tax payable by any other taxpayer for a taxation year shall, within thirty days of mailing of the notice of assessment, pay all taxes, penalties and interest payable by or in respect of that taxpayer to the extent that he has or had, at any time since the taxation year, in his possession or control property belonging to that taxpayer or his estate and shall thereupon be deemed to have made that payment on behalf of such taxpayer. *Payment on behalf of others.*

(2) Every assignee, liquidator, administrator, executor and other like person, other than a trustee in bankruptcy, before distributing any property under his control, shall obtain a certificate from the Treasurer certifying that there are not outstanding any taxes, interest or penalties that have been assessed under this Act and are chargeable against or payable out of the property. *Certificate before distribution.*

(3) Distribution of property without a certificate required by subsection 2 renders the person required to obtain the certificate personally liable for the unpaid taxes, interest and penalties. *Liability.* *New.*

12.—(1) Where the amount paid on account of tax payable by a taxpayer under this Part for a taxation year before the expiration of the time allowed for filing the return of the tax payable by such taxpayer is less than the amount of tax payable for the year under this Part, such taxpayer shall pay interest on the difference between those two amounts from the expiration of the time for filing the return to the day of payment at six per centum per annum. *Interest — general.*

(2) In addition to the interest payable under subsection 1, where a taxpayer, being required by this Part to pay a part or instalment of tax, has failed to pay all or any part thereof as required, he shall, on payment of the amount he failed to pay, pay interest at six per centum per annum from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he becomes liable to pay interest thereon under subsection 1, whichever is earlier. *Interest — on instalments.*

(3) For the purposes of subsection 2, where a taxpayer is required to pay a part or instalment of tax for a taxation year, as payable by him for a preceding year or estimated by him for the taxation year, he shall be deemed to have been liable to pay a part or instalment computed by reference to the tax payable, *Limitation.*

(a) for the preceding year; or

(b) for the taxation year,

whichever is the lesser.

Participation
certificates.

(4) Notwithstanding any other provision in this section, no interest is payable in respect of the amount by which the tax payable by a taxpayer is increased by a payment made by the Canadian Wheat Board on a participation certificate previously issued to him until thirty days after the payment is made.

Limitation
on interest
period.

(5) No interest under this section upon the amount by which the unpaid taxes exceed the amount estimated under section 5 is payable in respect of the period beginning twelve months after the day fixed by this Act for filing the return or twelve months after the return was actually filed, whichever was later, and ending thirty days from the day of mailing of the notice of the original assessment for the taxation year. *New.*

Penalties —
delay in
making
returns.

13.—(1) Every taxpayer who has failed to make a return as and when required by subsection 1 of section 4 is liable to a penalty of,

(a) an amount equal to five per centum of the tax that was unpaid when the return was required to be filed, if the tax payable under this Part that was unpaid at that time was less than \$10,000; and

(b) \$500, if, at the time the return was required to be filed, tax payable under this Part equal to \$10,000 or more was unpaid.

Idem.

(2) Every person who has failed to file a return as required by subsection 3 of section 4 is liable to a penalty of \$10 for each day of default but not exceeding \$50.

Failure to
complete in-
formation.

(3) Every person who has failed to complete the information on a prescribed form as required by or pursuant to section 4 is, unless in the case of a taxpayer the Treasurer has waived it, liable to a penalty,

(a) of one per centum of the tax payable under this Part but, whether he is taxable or not, not less than \$25 or more than \$100; or

(b) in the case of a taxpayer, of such lesser amount as the Treasurer may have fixed in respect of the specific failure. *New.*

14.—(1) The Treasurer may, upon mailing the notice of ^{Refunds.} assessment, refund, without application therefor, any overpayment made on account of the tax and he shall make such a refund after mailing the notice of assessment if application in writing is made therefor by the taxpayer within twelve months from the day the overpayment was made or the day on which the notice of assessment was sent, whichever is the later.

(2) Instead of making a refund that might otherwise be made under this section, the Treasurer may, where the taxpayer is liable or about to become liable to make another payment under this Act, apply the amount of the overpayment to that other liability and notify the taxpayer of that action. ^{Application to other taxes.}

(3) Where an amount in respect of an overpayment is refunded or applied on other liability under this section, ^{Interest on overpayment.} interest shall be paid or applied for the period commencing,

- (a) on the day when the overpayment arose;
- (b) on the day on or before which the return in respect of which the tax was paid was required to be filed; or
- (c) on the day that the return was actually filed,

whichever was later, and ending with the day of refunding or application aforesaid at the rate of,

- (d) two per centum per annum on the amount of the overpayment or \$5,000, whichever is lesser; and
- (e) one-half of one per centum per annum on any part of the overpayment in excess of \$5,000,

unless the amount of the interest so calculated is less than \$1, in which event no interest is payable under this subsection.

(4) For the purpose of this section, the term "overpayment" ^{Interpretation.} means the aggregate of all amounts paid on account of tax minus all amounts payable under this Act or an amount so paid where no amount is so payable. *New.*

15.—(1) A taxpayer who objects to an assessment under this Act may, within sixty days from the day of mailing the notice of assessment, serve on the Treasurer a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts. ^{Notice of objection.}

(2) A notice of objection under this section shall be served ^{Service.} by being sent by registered mail to the Treasurer.

Re-consider-
ation.

(3) Upon receipt of the notice of objection, the Treasurer shall with all due despatch reconsider the assessment and vacate, confirm or vary the assessment or re-assess and he shall thereupon notify the taxpayer of his action by registered mail. *New.*

Appeal.

16. Where a taxpayer has served notice of objection to an assessment under section 15, he may appeal to the tax appeal board constituted under section 19 to have the assessment vacated or varied after either,

- (a) the Treasurer has confirmed the assessment or re-assessed; or
- (b) one hundred and eighty days have elapsed after service of the notice of objection and the Treasurer has not notified the individual that he has vacated or confirmed the assessment or re-assessed,

but no appeal under this section may be instituted after the expiration of ninety days from the day notice has been mailed to the taxpayer under section 15 that the Treasurer has confirmed the assessment or re-assessed. *New.*

Appeal.

17.—(1) The Treasurer or the taxpayer may, within one hundred and twenty days from the day on which the registrar of the tax appeal board mails the decision on an appeal under section 16 to the Treasurer and the taxpayer, appeal to the Supreme Court.

Procedure.

(2) All matters in connection with an appeal under this section shall be regulated under the rules of the Supreme Court. *New.*

Irregulari-
ties.

18. An assessment shall not be vacated or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act. *New.*

DIVISION D—TAX APPEAL BOARD

Tax appeal
board con-
stituted.

19. There is hereby constituted a tax appeal board to be appointed by the Lieutenant-Governor in Council, consisting of the following members, namely, a chairman and not less than two or more than four other members of whom one may be appointed as assistant chairman.

Qualifica-
tions.

20.—(1) No person shall be appointed chairman or assistant chairman unless he is,

- (a) a judge of a superior, county or district court in Ontario; or
- (b) a barrister of at least ten years' standing at the bar of Ontario,

but, if a person who is a judge is appointed chairman or assistant chairman, he shall cease to hold office ninety days after his appointment unless,

- (c) within that time he has resigned from his office as judge; or
- (d) his appointment as chairman or assistant chairman was for a period not exceeding two years and he has been granted leave of absence without pay for that period from his office as a judge.

(2) No person who has attained the age of sixty-five years Age limit. shall be appointed a member.

(3) Where the chairman, assistant chairman or any other member is ill or otherwise unable to act, or where his office is In case of illness or vacancy. vacant, the Lieutenant-Governor in Council may appoint some person qualified to hold the office to act in his stead during his illness or incapacity or until the office is filled, as the case may be.

(4) The chairman, the assistant chairman and the members Salaries. shall be paid such salaries as are determined by the Lieutenant-Governor in Council.

(5) Every member shall be paid allowances for travelling Travelling allowances. as are determined by the Lieutenant-Governor in Council.

(6) A person having the qualifications provided by sub-section 1 for the chairman or assistant chairman may be appointed by the Lieutenant-Governor in Council a hearing officer for an appeal or group of appeals and paid such remuneration and expenses as may be determined by the Lieutenant-Governor in Council. *New.* Hearing officers.

21. The board may, subject to the approval of the Lieutenant-Governor in Council, make rules not inconsistent with this Act governing the carrying on of the business of the board and practice and procedure in connection with appeals. *New.* Board may make rules.

22.—(1) The chairman or assistant chairman and not less Quorum. than one-half of the other members of the board are a quorum.

Appeal
hearing by
two or more
members.

(2) The chairman or the board may direct that an appeal be heard and determined on behalf of the board, by the chairman or assistant chairman and one or more other members who shall have for the hearing and determination of the appeal all powers of the board.

Reference to
full board.

(3) The members nominated to hear and determine an appeal may at any stage refer the appeal to the board and the board shall then in its discretion hear and determine the appeal or determine the appeal on the report of such members if the report was made after hearing the parties.

Taking
evidence
by hearing
officer.

(4) Where an appeal is to be determined by the board, the chairman or the board may direct that evidence relating to the appeal, in whole or in part, be received by a hearing officer, the chairman or the assistant chairman, and the board shall, after,

(a) receiving the report of the hearing officer, the chairman or the assistant chairman; and

(b) holding a rehearing in whole or in part if in its discretion it deems it advisable so to do,

determine the appeal.

Powers of
hearing
officer, etc.

(5) A hearing officer, the chairman or the assistant chairman has all the powers of the board for the purpose of taking evidence pursuant to this section. *New.*

How appeal
instituted.

23.—(1) An appeal to the board shall be instituted by serving upon the Treasurer a notice of appeal in triplicate in such form as may be determined by the rules and the Treasurer shall forthwith forward a copy of the notice to the board.

Notice of
appeal.

(2) The notice of appeal shall be served upon the Treasurer by being sent by registered mail to the Controller.

Copies of
documents.

(3) Immediately after receiving the notice of appeal, the Treasurer shall forward to the board copies of all documents relevant to the assessment. *New.*

Fee upon
filing of
notice of
appeal.

24.—(1) An appellant shall pay to the Treasurer a fee of \$15 upon the serving of the notice of appeal and if the appeal is allowed, in whole or in part, the fee shall be returned to the appellant forthwith after disposition of the appeal but not otherwise.

No other
fees or
costs.

(2) Subject to subsection 1, no costs may be awarded on the disposition of an appeal and no fees may be charged the appellant by the board.

(3) Subject to subsection 1, fees paid under this section shall be retained in the Consolidated Revenue Fund. *New.* Disposition of fees.

25.—(1) The Treasurer and the appellant may appear in person or may be represented at the hearing by counsel or an agent or, with the consent of the Treasurer and the appellant, the board or the chairman may order that written submissions be filed in addition to or in place of an oral hearing. Treasurer and appellant may appear in person or be represented.

(2) An appeal may, in the discretion of the board, the chairman, the assistant chairman or hearing officer, as the case may be, be heard *in camera* or in public unless the appellant requests that it be heard *in camera* in which case it shall be so heard. Hearing may be in camera.

(3) The board is a court of record and may, To be court of record.

(a) summon before it any witness and require him to give evidence orally or in writing on oath or otherwise and to produce such documents and things as it deems requisite to the full investigation of the facts in issue; and

(b) enforce the attendance of witnesses and compel them to give evidence.

(4) The chairman may, subject to the rules and this Division, determine the procedure to be followed on an appeal. *New.* Procedure.

26.—(1) The board may dispose of an appeal by, Disposal of appeal.

(a) dismissing it;

(b) vacating the assessment;

(c) varying the assessment; or

(d) referring the assessment back to the Treasurer for reconsideration and re-assessment.

(2) Where an appeal is from an assessment or re-assessment made pursuant to a direction under section 126 of *The Income Tax Act* (Canada) as made applicable to this Act by section 3 hereof, the board has no jurisdiction to vacate or vary the assessment in so far as it is made in accordance with that direction; and, if it appears that the only matter at issue in the appeal is whether one of the purposes of the transaction or transactions was the avoidance or reduction of taxes, the board shall forthwith dismiss the appeal. Limitation of power of board. 1948, c. 52 (Can.).

Copy of
decision by
Treasurer
and
appellant.

(3) The registrar shall, upon the disposition of an appeal, forward by registered mail a copy of the decision and the reasons therefor to the Treasurer and the appellant. *New.*

Registrar
and deputy.

27.—(1) The Lieutenant-Governor in Council may appoint a registrar and a deputy registrar and fix their salaries.

Officers,
clerks and
employees.
1947, c. 89.

(2) Such other officers, clerks and employees as may be required to carry on the business of the board shall be appointed under *The Public Service Act, 1947.*

Control by
registrar.

(3) The registrar, or in his absence the deputy registrar, shall control and supervise the other persons employed under this section. *New.*

Offices.

28.—(1) The registrar, with the approval of the chairman, shall establish such office or offices as are required for the use of the members and staff of the board and provide therefor the necessary accommodation, furnishings, stationery, equipment and telephones and shall arrange for the necessary accommodation for the hearing of appeals.

Publica-
tion of
decisions.

(2) The registrar shall, under the control and direction of the chairman, make available for publication all decisions of the board. *New.*

Expenses.

29. The registrar shall, with the approval of the chairman, incur all expenses necessary for the carrying on of the business of the board and the hearing of appeals.

Provision
for expenses
and salaries.

30. All expenses and salaries under this Division shall be paid out of the Consolidated Revenue Fund. *New.*

Interpreta-
tion.

31. In this Division,

- (a) "assistant chairman" means the assistant chairman of the board;
- (b) "board" means the tax appeal board;
- (c) "chairman" means the chairman of the board;
- (d) "member" means a member of the board; and
- (e) "rule" means a rule made under section 21. *New.*

DIVISION E—APPEALS TO THE SUPREME COURT OF ONTARIO.

Appeals to
the Supreme
Court, how
instituted.

32.—(1) An appeal to the Supreme Court shall be instituted by service upon the taxpayer or the Treasurer, as

the case may be, a notice of appeal in triplicate in such form as may be determined by the rules and filing a copy thereof with the registrar of the tax appeal board.

(2) A notice of appeal shall be served upon the Treasurer ^{Notice of appeal.} by being sent by registered mail to the Controller and may be served upon the taxpayer either personally or by being sent to him at his last known address by registered mail.

(3) The appellant shall set out in the notice of appeal a ^{Statement of allegations.} statement of the allegations of fact, the statutory provisions and reasons which the appellant intends to submit in support of his appeal.

(4) An appeal by a taxpayer and all proceedings thereunder ^{Security for costs.} are, upon the expiration of thirty days from the day the appeal is instituted, null and void unless security for the costs of the appeal has been, within the said period, given to the satisfaction of the Treasurer in a sum of not less than \$400 and, upon an appeal becoming null and void by virtue of this section, no further appeal can be instituted in respect of the same decision.

(5) When security has been given under subsection 4, notice ^{Notice of security.} thereof in such form as may be determined by the rules shall be filed with the registrar of the tax appeal board. *New.*

33.—(1) The respondent shall, within sixty days from the ^{Reply to appeal.} day the notice of appeal is received, or within such further time as the court or a judge thereof may either before or after the expiration of that time allow, serve on the appellant and file in the court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as the respondent intends to rely on.

(2) The court or a judge may, in its or his discretion, strike ^{Amendment of notice of appeal.} out a notice of appeal or any part thereof for failure to comply with subsection 3 of section 32 and may permit an amendment to be made to a notice of appeal or a new notice of appeal to be substituted for the one struck out.

(3) The court or a judge may, in its or his discretion, ^{Amendment to reply.}

(a) strike out any part of a reply for failure to comply with this section or permit the amendment of a reply; and

(b) strike out a reply for failure to comply with this section and order a new reply to be filed within a time to be fixed by the order.

Failure to
comply.

(4) Where a notice of appeal is struck out for failure to comply with subsection 3 of section 32 and a new notice of appeal is not filed as and when permitted by the court or a judge, the court or a judge thereof may, in its or his discretion, dispose of the appeal by dismissing it.

Idem.

(5) Where a reply is not filed as required by this section or is struck out under this section and a new reply is not filed as ordered by the court or a judge within the time ordered, the court may dispose of the appeal *ex parte* or after a hearing on the basis that the allegations of fact contained in the notice of appeal are true. *New.*

Transmis-
sion of
papers with
transcript of
proceedings.

34.—(1) The registrar of the tax appeal board shall,

- (a) in the case of an appeal by the Treasurer, upon receipt of the notice of appeal; and
- (b) in the case of an appeal by a taxpayer, upon receipt of the notice of appeal and of notice of the giving of security,

cause to be transmitted to the registrar of the court all papers filed with the board on the appeal thereto together with a transcript of the record of the proceedings before the board.

Action in
court.

(2) Upon the filing of the material referred to in subsection 1 and of the reply required by section 33, the matter shall be deemed to be an action in the court and, unless the court otherwise orders, ready for hearing.

Facts not
set out may
be pleaded.

(3) Any fact or statutory provision not set out in the notice of appeal or reply may be pleaded or referred to in such manner and upon such terms as the court may direct.

Disposal
of appeal.

(4) The court may dispose of the appeal by,

- (a) dismissing it;
- (b) vacating the assessment;
- (c) varying the assessment; or
- (d) referring the assessment back to the Treasurer for reconsideration and re-assessment.

Court may
order pay-
ment of
tax, etc.

35. The court may, in delivering judgment disposing of an appeal, order payment or repayment of tax, interest, penalties or costs by the taxpayer or the Treasurer.

Proceedings
may be held
in camera.

36. Proceedings under this Division shall be held *in camera* upon request made to the court by the taxpayer.

37. Rules otherwise applicable to practice and procedure in the court shall be applicable to practice and procedure in appeals under this Division. Rules of practice.

38. In this Division, "court" means the Supreme Court of Ontario. Interpretation.

PART II—ADMINISTRATION AND ENFORCEMENT

39.—(1) The Treasurer shall administer and enforce this Act and control and supervise all persons employed to carry out or enforce this Act and the Controller may exercise all the powers and perform the duties of the Minister under this Act. Treasurer's duty.

(2) The Lieutenant-Governor in Council may appoint such officers and servants as are necessary to administer and enforce this Act and may fix their remuneration. Staff.

(3) The Treasurer may at any time extend the time for making a return under this Act. Extensions for returns.

(4) The Treasurer may, if he considers it advisable in a particular case, accept security for payment of taxes by way of mortgage or other charge of any kind whatsoever on property of the taxpayer or any other person or by way of guarantee from other persons. *New.* Security.

40. The Lieutenant-Governor in Council may make regulations, Regulations.

- (a) prescribing anything that, by this Act, is to be prescribed, determined or regulated by regulations;
- (b) prescribing the evidence required to establish facts relevant to assessments under this Act;
- (c) to facilitate the assessment of tax where deductions or exemptions of a taxpayer have changed in a taxation year;
- (d) requiring any class of persons to make information returns respecting any class of information required in connection with assessments under this Act;
- (e) authorizing a designated officer or class of officers to exercise powers or perform duties of the Treasurer or the Controller under this Act;
- (f) assigning the names of office of officers and other persons appointed under this Act;

- (g) requiring every person or every member of any group or class of persons ceasing to be a resident of Ontario to make application to the Treasurer for certificate that there are not outstanding any assessed taxes, interest or penalties payable under this Act and that he is not in default in filing any return required by or under this Act;
- (h) defining the classes of persons who may be regarded as dependent for the purposes of this Act; and
- (i) generally to carry out the purposes and the provisions of this Act. *New.*

Debts to His Majesty.

41. All taxes, interest, penalties, costs and other amounts payable under this Act are debts due to His Majesty for the uses of Ontario and shall be recoverable in any court of competent jurisdiction or in any other manner provided by this Act. *New.*

Certificates.

42.—(1) An amount payable under this Act that has not been paid or such part of an amount payable under this Act as has not been paid may, upon the expiration of thirty days after the default, be certified by the Treasurer.

Judgments.

(2) On production to the Supreme Court, a certificate made under this section shall be registered in the court and, when registered, has the same force and effect, and all proceedings may be taken thereon, as if the certificate were a judgment obtained in such court for a debt of the amount specified in the certificate plus interest to the day of payment as provided for in this Act.

Costs.

(3) All reasonable costs and charges attendant upon the registration of the certificate are recoverable in like manner as if they had been certified and the certificate had been registered under this section. *New.*

Garnishment.

43.—(1) When the Treasurer has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment under this Act, he may, by registered letter, require him to pay the moneys otherwise payable to that person in whole or in part to the Treasurer on account of the liability under this Act.

Idem.

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

Idem.

(3) Where the Treasurer has, under this section, required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable

by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Treasurer in the registered letter.

(4) Every person who has discharged any liability to a *Idem.* person liable to make a payment under this Act without complying with a requirement under this section is liable to pay to His Majesty in right of Ontario an amount equal to the liability discharged or the amount which he was required under this section to pay to the Treasurer, whichever is the lesser. *New.*

44.—(1) Where a person has failed to make a payment as required by this Act, the Treasurer, on giving ten days' notice by registered mail addressed to his last known place of residence, may, whether or not there is an objection to or appeal in respect of the assessment not disposed of, issue a certificate of the failure and direct that the goods and chattels of the person in default be seized. *Seizure of chattels.*

(2) Property seized under this section shall be kept for ten days at the cost and charges of the owner and, if he does not pay the amount due together with the costs and charges within the ten days, the property seized shall be sold by public auction. *Idem.*

(3) Except in the case of perishable goods, notice of the sale setting forth the time and place thereof, together with a general description of the property to be sold shall, a reasonable time before the goods are sold, be published at least once in one or more newspapers of general local circulation. *Idem.*

(4) Any surplus resulting from the sale after deduction of the amount owing and all costs and charges shall be paid or returned to the owner of the property seized. *Idem.*

(5) Such goods and chattels of any person in default as would be exempt from seizure under a writ of execution issued out of the Supreme Court are exempt from seizure under this section. *Idem.* *New.*

45.—(1) Where the Treasurer suspects that the taxpayer is about to leave Ontario, he may before the day otherwise fixed for payment, by notice served personally or by registered letter addressed to the taxpayer, demand payment of all taxes, interest and penalties for which the taxpayer is liable or would be liable if the time for payment had arrived and the same shall be paid forthwith notwithstanding any other provision of this Act. *Taxpayer leaving Ontario or defaulting.*

Idem. (2) Where a person has failed to pay tax, interest or penalties demanded under this section as required, the Treasurer may direct that the goods and chattels of the taxpayer be seized and subsections 2 to 5 of section 44 are, thereupon, applicable *mutatis mutandis*. *New.*

Withholding taxes. **46.**—(1) No action lies against any person for withholding or deducting any sum of money in compliance or intended compliance with this Act.

Idem. (2) Every person whose employer is required to deduct or withhold any amount from his remuneration under section 7 shall, from time to time as prescribed, file a return with his employer in prescribed form.

Idem. (3) Every person failing to file a form as required by subsection 2 is liable to have the deduction or withholding from his salary or wages under section 7 made as though he were an unmarried person without dependants.

Idem. (4) Every person who deducts or withholds any amount under this Act shall be deemed to hold the amount so deducted or withheld in trust for His Majesty in right of Ontario.

Idem. (5) All amounts deducted or withheld by a person under this Act shall be kept separate and apart from his own moneys.

Idem. (6) Every person who deducts or withholds an amount under this Act is liable to pay to His Majesty in right of Ontario on the day fixed by or pursuant to this Act an amount equal to the amount so deducted or withheld and this liability constitutes a first charge on his property and ranks for payment in priority to all other claims.

Idem. (7) Where a person on whose behalf an amount has been paid to the Treasurer after having been deducted or withheld under this Act was not liable to pay any tax under this Act or where the amount so paid to the Treasurer on his behalf is in excess of the tax that he was liable to pay, the Treasurer shall, upon application in writing made within two years from the end of the calendar year in which the amount was paid, pay to him the amount so paid or such part thereof as he was not liable to pay, unless he is otherwise liable or about to become liable to make a payment under this Act, in which case, the Treasurer may apply the amount otherwise payable under this subsection to that payment and notify him of that fact.

Idem. (8) Any person who has failed to deduct or withhold any amount as required by this Act or a regulation is liable to pay to His Majesty in right of Ontario,

- (a) if the amount should have been deducted or withheld under subsection 1 of section 7 from an amount that has been paid to a person resident in Ontario, ten per centum of the amount that should have been deducted or withheld; and
- (b) in any other case, the whole amount that should have been deducted or withheld,

together with interest thereon at the rate of ten per centum per annum.

(9) Every person who has failed to remit an amount *Idem.* deducted or withheld as required by this Act or a regulation is liable to a penalty of ten per centum of that amount or \$10, whichever is the greater, in addition to the amount itself, together with interest on the amount at the rate of ten per centum per annum.

(10) The Treasurer may assess any person for any amount *Idem.* that has been deducted or withheld under this Act or a regulation or that is payable under this section and, upon his sending a notice of assessment by registered mail to that person, Division C of Part I is applicable *mutatis mutandis*.

(11) Provisions of this Act requiring a person to deduct or *Idem.* withhold an amount in respect of taxes from amounts payable to a taxpayer are applicable to His Majesty in right of Canada or a province.

(12) Where this Act requires an amount to be deducted *Idem.* or withheld, an agreement by the person on whom that obligation is imposed not to deduct or withhold, is void.

(13) The receipt of the Treasurer for an amount withheld *Idem.* or deducted by any person as required by or under this Act is a good and sufficient discharge of the liability of any debtor to his creditor with respect thereto to the extent of the amount referred to in the receipt. *New.*

47.—(1) Every taxpayer carrying on business and every ^{Books and records.} person who is required, by or pursuant to this Act, to pay or collect taxes or other amounts shall keep records and books of account, including an annual inventory kept in the prescribed manner, at his place of business or residence in Ontario or at such other place as may be designated by the Treasurer, in such form and containing such information as will enable the taxes payable under this Act or the taxes or other amounts that should have been deducted, withheld or collected to be determined.

Idem.

(2) Where a person has failed to keep adequate records and books of account for the purposes of this Act, the Treasurer may require him to keep such records and books of account as he may specify and that person shall thereafter keep records and books of account as so required.

Idem.

(3) Every person required by this section to keep records and books of account shall, until written permission for their disposal is obtained from the Treasurer, retain every such record or book of account and every account or voucher necessary to verify the information in any such record or book of account. *New.*

Investigations.

48.—(1) Any person thereunto authorized by the Treasurer for any purpose related to the administration or enforcement of this Act may, at all reasonable times, enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are, or should be, kept pursuant to this Act, and,

- (a) audit or examine the books and records and any account, voucher, letter, telegram or other document which relates or may relate to the information that is or should be in the books or records or the amount of tax payable under this Act;
- (b) examine property described by an inventory or any property, process or matter an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act;
- (c) require the owner or manager of the property or business and any other person on the premises or place to give him all reasonable assistance with his audit or examination and to answer all proper questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration and, for that purpose, require the owner or manager to attend at the premises or place with him; and
- (d) if, during the course of an audit or examination, it appears to him that there has been a violation of this Act or a regulation, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

(2) The Treasurer may, for any purpose related to the *Idem.* administration or enforcement of this Act, by registered letter or by a demand served personally require from any person,

- (a) any information or additional information, including a return of income or a supplementary return; or
- (b) production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents,

within such reasonable time as may be stipulated therein.

(3) The Treasurer may, for any purpose related to the *Search.* administration or enforcement of this Act, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Treasury Department, together with such members of the Ontario Provincial Police Force or other police officers as he calls on to assist him and such other persons as may be named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things which may afford evidence as to the violation of any provision of this Act or a regulation and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

(4) The Treasurer may, for any purpose related to the *Inquiry.* administration or enforcement of this Act, authorize any person, whether or not he is an officer of the Treasury Department, to make such inquiry as he may deem necessary with reference to anything relating to the administration or enforcement of this Act.

(5) Where any book, record or other document has been *Copies.* seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced or any officer of the Treasury Department may make, or cause to be made, one or more copies thereof and a document purporting to be certified by the Treasurer or a person thereunto authorized by the Treasurer to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have if it had been proven in the ordinary way.

(6) No person shall hinder or molest or interfere with any *Compliance.* person doing anything that he is authorized by or pursuant to this section to do, or prevent or attempt to prevent any person doing any such thing, and notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by or pursuant to this section to do.

Powers.

(7) For the purpose of an inquiry authorized under subsection 4, the person authorized to make the inquiry has all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act. New.*

Rev. Stat.,
c. 19.

Ownership
certificates.

49.—(1) Before a bearer coupon or warrant representing either interest or dividends payable by any debtor or cheque representing dividends or interest payable by a non-resident debtor, is negotiated by or on behalf of a resident of Ontario, there shall be completed by or on behalf of the resident an ownership certificate in the prescribed form.

Idem.

(2) An ownership certificate completed pursuant to subsection 1 shall be delivered in such manner, at such time and at such place as may be prescribed and a person who has failed to do so is liable on summary conviction to a fine of not less than \$10 and not more than \$100.

Idem.

(3) A person who has failed to complete an ownership certificate as required by or under this Act and a debtor or other person who has cashed a coupon or warrant for which an ownership certificate has not been completed, is liable on summary conviction to a fine of not less than \$10 and not more than \$100. *New.*

Penalty re
information
returns.

50. Every person who has failed to make a return as and when required by regulation under section 40 or by subsection 2 of section 46 is liable to a penalty of \$10 a day for each day of default but not more than \$2,500 in all. *New.*

Execution
of docu-
ments by
corpora-
tions.

51. A return, certificate or other document made by a corporation pursuant to this Act or a regulation shall be signed on its behalf by the president, secretary or treasurer of the corporation or by any other officer or person thereunto duly authorized by the board of directors or other governing body of the corporation. *New.*

Offences.

52.—(1) Every person who has failed to file a return as and when required by or under this Act or a regulation is guilty of an offence and, in addition to any penalty otherwise provided, liable on summary conviction to a fine of not less than \$25 for each day of default.

Idem.

(2) Every person who has failed to comply with or contravened subsection 1 of section 7, subsection 5 of section 46, section 47 or section 48 is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to,

(a) a fine of not less than \$200 and not more than \$10,000; or

- (b) both the fine described in clause *a* and imprisonment for a term not exceeding six months.

(3) Where a person has been convicted under this section ^{Saving.} of failing to comply with a provision of this Act or a regulation, he is not liable to pay a penalty imposed under section 13, section 46 or section 50 for the same failure unless he was assessed for that penalty or that penalty was demanded from him before the information or complaint giving rise to the conviction was laid or made. *New.*

53.—(1) Every person who has,

Idem.

- (a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation;
- (b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a taxpayer;
- (c) made, or assented to or acquiesced in the making of, false or deceptive entries, or omitted, or assented to or acquiesced in the omission, to enter a material particular, in records or books of account of a taxpayer;
- (d) wilfully, in any manner, evaded or attempted to evade, compliance with this Act or payment of taxes imposed by this Act; or
- (e) conspired with any person to commit an offence described by clauses *a* to *d*,

is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to,

- (f) a fine of not less than \$25 and not more than \$10,000 plus, in an appropriate case, an amount not exceeding double the amount of the tax that should have been shown to be payable or that was sought to be evaded; or
- (g) both the fine described in clause *f* and imprisonment for a term of not more than two years.

(2) Every person who is charged with an offence described ^{*Idem.*} by subsection 1 may, at the election of the Attorney General of Ontario, be prosecuted upon indictment and, if convicted,

is, in addition to any penalty otherwise provided, liable to imprisonment for a term of not more than five years and not less than two months. *New.*

Communi-
cation of in-
formation.

54. Every person who, while employed in the service of His Majesty, has communicated or allowed to be communicated to a person not legally entitled thereto any information obtained under this Act or has allowed any such person to inspect or have access to any written statements furnished under this Act is guilty of an offence and liable on summary conviction to a fine not exceeding \$200. *New.*

Officers, etc.,
of corpora-
tions.

55. Where a corporation is guilty of an offence under this Act, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and is liable on summary conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted. *New.*

Power to
decrease
punishment.

56. Notwithstanding any other statute or law in force at the commencement of this Act, the court has, in any prosecution or proceeding under this Act, no power to impose less than the minimum fine or imprisonment fixed by this Act and the court has no power to suspend sentence. *New.*

Information
or com-
plaint.

57.—(1) An information or complaint under this Act may be laid or made by any officer of the Treasury Department or by any person thereunto authorized by the Treasurer and, where an information or complaint purports to have been laid or made under this Act, it shall be deemed to have been laid or made by a person thereunto authorized by the Treasurer and shall not be called in question for lack of authority of the informant or complainant except by the Treasurer or by some person acting for him or for His Majesty.

Two or
more
offences.

(2) An information or complaint in respect of an offence under this Act may be for one or more than one offence and no information, complaint, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Jurisdic-
tion.

(3) A complaint or information in respect of an offence under this Act may be heard, tried or determined by any magistrate if the accused is resident, carrying on business, found or apprehended or is in custody within his jurisdiction although the matter of the information or complaint did not arise within his jurisdiction.

Limitation
of prosecu-
tion.
R.S.C.,
c. 36.

(4) An information or complaint under Part XV of the *Criminal Code* in respect of an offence under this Act may be

laid or made on or before a day five years from the time when the matter of the information or complaint arose or within one year from the day on which evidence, sufficient in the opinion of the Treasurer to justify a prosecution for the offence, came to his knowledge, and the Treasurer's certificate as to the day on which such evidence came to his knowledge is conclusive evidence thereof.

(5) Where, by this Act or a regulation, provision is made for sending by mail a request for information, notice or demand, an affidavit of an officer of the Treasury Department sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records, that he has knowledge of the facts in the particular case, that such a request, notice or demand was sent by registered letter on a named day to the person to whom it was addressed, indicating such address, and that he identifies as exhibits attached to the affidavit the post-office certificate of registration of the letter or a true copy of the relevant portion thereof and a true copy of the request, notice or demand, shall be received as *prima facie* evidence of the sending and of the request, notice or demand. Proof of service by mail.

(6) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after a careful examination and search of the records he has been unable to find in a given case that the return, statement, answer or certificate, as the case may be, has been made by such person, shall be received as *prima facie* evidence that in such case that person did not make the return, statement, answer or certificate, as the case may be. Proof of failure to comply.

(7) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after careful examination of such records he has found that the return, statement, answer or certificate was filed or made on a particular day, shall be received as *prima facie* evidence that it was filed or made on that day and not prior thereto. Proof of time of compliance.

(8) An affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that a document annexed thereto is a document or true copy of a document made by or on behalf of the Proof of documents.

Treasurer or some person exercising the powers of the Treasurer or by or on behalf of a taxpayer, shall be received as *prima facie* evidence of the nature and contents of the document and shall be admissible in evidence and have the same probative force as the original document would have if it had been proven in the ordinary way.

Proof of
no appeal.

(9) An affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and has knowledge of the practice of the Department and that an examination of the records shows that a notice of assessment for a particular taxation year was mailed or otherwise communicated to a taxpayer on a particular day pursuant to this Act and that, after careful examination and search of the records, he has been unable to find that a notice of objection or of appeal from the assessment was received within the time allowed therefor, shall be received as *prima facie* evidence of the statements contained therein.

Presump-
tion.

(10) Where evidence is offered under this section by an affidavit from which it appears that the person making the affidavit is an officer of the Treasury Department, it is not necessary to prove his signature or that he is such an officer nor is it necessary to prove the signature or official character of the person before whom the affidavit was sworn.

Judicial
notice.

(11) Judicial notice shall be taken of all orders or regulations made under this Act without such orders or regulations being specially pleaded or proven.

PART III

Interpreta-
tion.

58.—(1) In this Act,

- (a) "amount" means money, rights or things expressed in terms of the amount of money or the value in terms of money of the right or thing;
- (b) "assessment" includes a re-assessment;
- (c) "Controller" means Controller of Revenue of Ontario;
- (d) "corporation" includes an incorporated company;
- (e) "employed" means performing the duties of an office or employment;

- (f) "employment" means the position of an individual in the service of some other person, including His Majesty or a foreign state or sovereign, and "servant" or "employee" means a person holding such a position;
- (g) "estate" means the trustee or the executor, administrator, heir or other legal representative having ownership or control of a trust or estate property;
- (h) "fiscal period" means the period for which the accounts of the business of the taxpayer has been ordinarily made up and accepted for purposes of assessment under this Act and, in the absence of an established practice, the fiscal period is that adopted by the taxpayer; provided that a fiscal period may not exceed a period of twelve months and that a change in a usual and accepted fiscal period may not be made for the purpose of this Act without the concurrence of the Treasurer;
- (i) "individual" means a person other than a corporation;
- (j) "inventory" means a description of property, the value of which is relevant in computing a taxpayer's income from a business for a taxation year;
- (k) "Minister" means Minister of National Revenue of Canada;
- (l) "non-resident" means not resident in Ontario;
- (m) "office" means the position of an individual entitling him to a fixed or ascertainable stipend or remuneration and includes a judicial office, the office of a Minister of the Crown, the office of a member of the Senate or House of Commons of Canada, a member of a legislative assembly, senator or member of a legislative or executive council and any other office, the incumbent of which is elected by popular vote or is elected or appointed in a representative capacity and also includes the position of a corporation director, and "officer" means a person holding such an office;
- (n) "prescribed" in the case of a form or the information to be given on a form, means prescribed by order of the Treasurer, and, in any other case, means prescribed by regulation;

- (o) "property" means property of any kind whatsoever whether real or personal or corporeal or incorporeal and, without restricting the generality of the foregoing, includes a right of any kind whatsoever, a share or a chose in action;
- (p) "regulation" means a regulation made by the Lieutenant-Governor in Council under this Act;
- (q) "taxpayer" includes any individual mentioned in Part I of this Act whether or not he is liable to pay tax;
- (r) "Treasurer" means Treasurer of Ontario;
- (s) "trust" means the trustee or the executor, administrator, heir or other legal representative having ownership or control of the trust or estate property;
- (t) "tax payable by a taxpayer under Part I" means the tax payable by him as fixed by assessment or re-assessment subject to variation on objection or appeal, if any, in accordance with the provisions of that Part.

Taxation
year.

(2) For the purpose of this Act, a "taxation year" is, in the case of an individual, a calendar year, and when a taxation year is referred to by reference to a calendar year, the reference is to the taxation year or years coinciding with or ending in that year.

Extended
meaning of
resident.

(3) For the purposes of this Act, a person shall be deemed to have been resident in Ontario in a taxation year if,

- (a) he sojourned in Ontario in the year for a period of, or periods the aggregate of which is one hundred and eighty-three days or more;
- (b) he was, at any time in the year, a member of the naval, military or air forces of Canada, if, before his enlistment, he was ordinarily resident in Ontario; or
- (c) he was, at any time in the year,
 - (i) an ambassador, minister, high commissioner, officer or servant of Canada, or
 - (ii) an agent-general, officer or servant of Ontario,

and he was resident in Ontario immediately prior to appointment by Canada or Ontario, as the case may be, or received representation allowances in respect of the year.

(4) In this Act, a reference to a person resident in Ontario includes a person who was at the relevant time ordinarily resident in Ontario. Ordinarily resident.

(5) "Tax payable under Part I of *The Income Tax Act* (Canada)" and "tax payable under section 31 of *The Income Tax Act* (Canada)" and "tax otherwise payable under Part I of *The Income Tax Act* (Canada)" means "tax otherwise payable under this Part" as the definition of such term in subsection 2 of section 32 of *The Income Tax Act* (Canada) from time to time applies. *New.* Interpretation.

PART IV

59.—(1) The provisions of *The Income Tax Act* (Ontario) shall apply to the taxation year 1949 and earlier taxation years and the provisions of this Act shall apply thereafter. Where R.S.O. 1937, c. 25, still to apply.

(2) Subject to subsection 1, *The Income Tax Act* (Ontario) is repealed. R.S.O. 1937, c. 25, repealed, saving.

60. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation and shall be effective with respect to the income of individuals of the then current taxation year and succeeding years. Proclamation.

61. This Act may be cited as *The Income Tax Act, 1950* (Ontario). Short title.

BILL

The Income Tax Act, 1950.

1st Reading

March 28th, 1950

2nd Reading

April 4th, 1950

3rd Reading

April 6th, 1950

Mr. FROST

No. 133

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to authorize an Income Tax Rental Agreement or an
Income Tax Agency Agreement.

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to authorize an Income Tax Rental Agreement or an Income Tax Agency Agreement.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Treasurer of Ontario, representing His Majesty the King in right of Ontario, is hereby authorized to make an agreement with the Minister of Finance, representing His Majesty the King in right of Canada, under which the Minister will pay to the Treasurer upon such terms as to times and the manner of payment and otherwise as may be agreed upon, an amount equal to five per centum of the taxes paid by individuals resident, employed or carrying on business in Ontario under Part I of *The Income Tax Act* (Canada) on income of the taxation year during which the agreement is made, during the taxation year prior to the year in which the agreement is terminated and during the intervening taxation years. ^{Rental agreement authorized.} ^{1948, c. 52 (Can.)}

(2) The taxes paid by individuals resident, employed or carrying on business in Ontario mentioned in subsection 1 shall be "taxes otherwise payable under this Part" as the definition of such term in subsection 2 of section 32 of *The Income Tax Act* (Canada) from time to time applies. ^{Taxes defined.}

2.—(1) As an alternative to the agreement authorized by section 1, the Treasurer of Ontario, representing His Majesty the King in right of Ontario, is hereby authorized to make an agreement with the Minister of National Revenue, representing His Majesty the King in right of Canada, under which, upon such terms as may be agreed upon, the Minister and the Deputy Minister of National Revenue may exercise in the place and stead, on behalf of, or as agent for the Treasurer and the Controller of Revenue for Ontario, such of the powers and duties conferred or imposed upon the Treasurer and the Controller under *The Income Tax Act, 1950* (Ontario) as may be specified in the agreement. ^{Agency agreement authorized.} ^{1950, c. ...}

Expenses.

(2) The Lieutenant-Governor in Council may authorize the Treasurer to pay any expenses that may be incurred in carrying out the terms of the agreement authorized by subsection 1.

Commencement of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Income Tax Agreement Act, 1950*.

BILL

An Act to authorize an Income Tax Rental Agreement or an Income Tax Agency Agreement.

1st Reading

March 28th, 1950

2nd Reading

3rd Reading

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(2) The taxes paid by individuals resident, employed or carrying on business in Ontario mentioned in subsection 1 shall be "taxes otherwise payable under this Part" as the definition of such term in subsection 2 of section 32 of *The Income Tax Act* (Canada) from time to time applies. ^{Taxes defined.}

2.—(1) As an alternative to the agreement authorized by section 1, the Treasurer of Ontario, representing His Majesty the King in right of Ontario, is hereby authorized to make an agreement with the Minister of National Revenue, representing His Majesty the King in right of Canada, under which, upon such terms as may be agreed upon, the Minister and the Deputy Minister of National Revenue may exercise in the place and stead, on behalf of, or as agent for the Treasurer and the Controller of Revenue for Ontario, such of the powers and duties conferred or imposed upon the Treasurer and the Controller under *The Income Tax Act, 1950* (Ontario) as may be specified in the agreement. ^{Agency agreement authorized.} ^{1950, c. ...}

Expenses. (2) The Lieutenant-Governor in Council may authorize the Treasurer to pay any expenses that may be incurred in carrying out the terms of the agreement authorized by subsection 1.

Commencement of Act. 3. This Act shall come into force on the day it receives the Royal Assent.

Short title. 4. This Act may be cited as *The Income Tax Agreement Act, 1950*.

BILL

An Act to authorize an Income Tax Rental
Agreement or an Income Tax Agency
Agreement.

1st Reading

March 28th, 1950

2nd Reading

April 4th, 1950

3rd Reading

April 6th, 1950

MR. FROST

No. 134

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to impose a Tax on Logging Profits.

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTES

This Bill imposes a tax at the rate of nine per cent. on the profits derived from logging operations. By section 11 of the Federal Income Tax Act this tax is deductible from income of the same taxpayers in calculating the Federal tax.

A complementary amendment being made to *The Corporations Tax Act, 1939* allows a deduction of the profits taxable under this Bill from the income of the same taxpayers otherwise taxable under that Act.

The result will be that corporations engaged in logging operations will pay a larger tax in total to Ontario and a smaller tax to Canada and that in total they will pay a smaller tax.

No. 134

1950

BILL

An Act to impose a Tax on Logging Profits.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion.

- (a) "Controller" means Controller of Revenue for Ontario;
- (b) "income" means income derived from logging operations in Ontario;
- (c) "logging operations in Ontario" includes the sale of logs in Ontario, the export of logs from Ontario, the import of logs into Ontario, the acquisition of timber in Ontario from which logs are cut, the cutting of timber in Ontario, the transportation of logs in Ontario, the delivery of logs to any sawmill, pulp or paper plant or other place for processing or manufacturing in Ontario, or the delivery of logs in Ontario to a carrier for export from Ontario, or any combination of such operations;
- (d) "taxation year" means the calendar year or where the fiscal year of the taxpayer does not coincide with the calendar year, the fiscal year ending within the calendar year;
- (e) "taxpayer" means any person who engages in logging operations in Ontario;
- (f) "Treasurer" means Treasurer of Ontario.

2. Every taxpayer shall for each taxation year, pay a tax Tax. of nine per centum calculated on the income in excess of \$10,000 which he derives during such year from logging operations in Ontario.

3.—(1) Income derived from logging operations in Ontario ^{Income defined.} means the net profit or gain of the taxpayer during the taxation year determined by deducting from the value of logs disposed of,

- (a) the cost of the acquisition of or the right to cut the timber from which such logs were obtained;
- (b) the cost of cutting the timber from which such logs were obtained; and
- (c) the cost of transporting such logs to the point of delivery,

or where such logs are purchased from another person,

- (d) the cost price of such logs; and
- (e) the cost of transportation of such logs from the point of receipt to the point of delivery.

Saving.

(2) Where only a part of the tax for a taxation year calculated on income derived by a taxpayer from logging operations in Ontario as defined in subsection 1 is found to be deductible from his income under clause *n* of subsection 1 of section 11 of *The Income Tax Act* (Canada), his income derived from logging operations in Ontario for that taxation year shall be, in lieu of the income described in subsection 1, the total of the amount that results from capitalizing the amount of so much of such tax as is so deductible at nine per centum and \$10,000.

Interpretation,
"value of
logs disposed
of".

4. In this Act, "value of logs disposed of" means,

- (a) in the case of the sale by the taxpayer of logs to any person at the time of or prior to delivery to a saw-mill, pulp or paper plant or other place for processing or manufacturing thereof in Ontario, or delivery to a carrier for export from Ontario, or delivery otherwise, the sale price of such logs;
- (b) in the case of logs processed or manufactured by the taxpayer during a taxation year, the difference between,

(i) the sale value of the product thereof,

and the total of,

- (ii) the cost of such processing or manufacturing including depreciation of machinery, equipment, plant, buildings, works and improvements used therein and all charges relating thereto that would be deductible under subsections 4 (except the charge described in clause *n* thereof), 5, 6, 6a, 6b, 6c, 6d, 6e and 6f of section 14 of *The Corporations Tax Act, 1939*,

and the greater of,

- (iii) ten per centum of the original cost of the land and of the depreciable assets including machinery, equipment, plant, buildings, works and improvements used in the processing or manufacturing of the logs, or
- (iv) thirty per centum, in the case of saw mills, and forty per centum, in the case of pulp and paper plants and other places used for the processing or manufacturing of the logs, of the net profit or gain derived by the taxpayer from all sources remaining after excluding therefrom the net profit or gain derived by him from, and attributable in accordance with sound accounting principles to, the carrying on of any business, or derived from or so attributable to any source, other than logging operations and the processing and manufacturing of the logs obtained from such operations,

and where such processing or manufacturing is outside of Ontario,

- (v) the cost of transportation of the logs from the point of delivery to a carrier in Ontario to the point of delivery to the sawmill, pulp or paper plant or other place used for the processing or manufacturing of the logs outside of Ontario.

5.—(1) Where a taxpayer purchases anything from a person with whom he is not dealing at arms-length at a price in excess of the fair market value, the fair market value thereof shall, for the purpose of computing the income of the taxpayer under sections 3 and 4, be deemed to have been paid or to be payable therefor. Inadequate consideration.

(2) Where a taxpayer sells anything to a person with whom he is not dealing at arms-length at a price less than the fair market value, the fair market value thereof shall, for the purpose of computing the income of the taxpayer under sections 3 and 4, be deemed to have been received or to be receivable therefor. Idem.

(3) Where a taxpayer pays or agrees to pay to a person with whom he is not dealing at arms-length as price, royalty, rental or other payment for use or reproduction of any property an amount computed at a rate higher than that at which Idem.

similar payments by other persons in the same kind of business are computed, an amount computed at the rate at which similar payments are made by such other persons shall, for the purpose of computing the income of the taxpayer under sections 3 and 4, be deemed to have been the amount that is paid or is payable therefor.

Idem.

(4) Where a taxpayer is an incorporated company and directly or indirectly distributes to its shareholders any of its property either on winding-up, or otherwise, for no consideration or for a consideration below the fair market value, if the sale thereof at the fair market value would have increased the income of the taxpayer under sections 3 and 4, it shall be deemed, for the purpose of determining such income, to have sold the property during the taxation year and to have received therefor the fair market value thereof.

Arms-length.

(5) For the purpose of this section,

- (a) a corporation and a person or one of several persons by whom it is directly or indirectly controlled;
- (b) corporations controlled directly or indirectly by the same person; or
- (c) persons connected by blood relationship, marriage or adoption,

shall, without extending the meaning of the expression "to deal with each other at arms-length", be deemed not to deal with each other at arms-length.

Return.

6.—(1) A return of the income of each taxpayer for each taxation year shall, without notice or demand therefor, be filed with the Controller containing such information as is required,

- (a) in the case of a corporation, by or on behalf thereof, within six months from the end of the taxation year;
- (b) in the case of a person who has died without making the return, by his legal representatives, within six months from the day of death;
- (c) in the case of an estate or trust, within ninety days from the end of the taxation year;
- (d) in the case of any other taxpayer, on or before the 30th day of April in the next year, by that taxpayer or, if he is unable for any reason to file the return, by his guardian, committee or other legal representative; or

- (e) in the case where no person described by clause *a, b, c* or *d* has filed the return, by such person as is required by notice in writing from the Treasurer to file the return, within such reasonable time as the notice specifies.

(2) Every person, whether or not he is liable to pay tax under this Act for a taxation year and whether or not he has filed a return under subsection 1, shall upon receipt at any time of a demand therefor in writing from the Treasurer, file forthwith with the Treasurer a return of his income for that year, containing such information as is required. ^{Demand for return.}

(3) Every trustee in bankruptcy, assignee, liquidator, receiver, trustee or committee and every agent or other person administering, managing, winding-up, controlling or otherwise dealing with the property, business, estate or income of a taxpayer who has not filed a return for a taxation year as required by this section shall file a return of the income of such taxpayer for that year. ^{Trustees, etc.}

(4) Where a taxpayer who is a partner in or who is a proprietor of a business engaged in logging operations in Ontario died after the close of a taxation year but before the end of the calendar year in which the taxation year closed, a separate return of the taxpayer's income after the close of the taxation year to the time of death shall be filed and the tax payable under this Act shall be paid thereon as if that income were the income of another taxpayer. ^{Death of a partner or proprietor.}

(5) The Treasurer may at any time extend the time for making a return under this Act. ^{Extension.}

7. Every taxpayer required by section 6 to file a return shall estimate in the return the amount of tax payable. ^{Estimate of tax.}

8.—(1) The Treasurer shall, with all due despatch, examine each return and assess the tax for the taxation year and the interest and penalties, if any, payable. ^{Rules for assessment.}

(2) After examination of a return, the Treasurer shall send a notice of assessment to the person by whom the return was filed. ^{Idem.}

(3) Liability for tax under this Act is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made. ^{Idem.}

(4) The Treasurer may, at any time, assess tax, interest or penalties and may, ^{Idem.}

- (a) at any time, if the taxpayer or person filing the return, has made any misrepresentation or committed any fraud in filing the return or supplying information under this Act; and
- (b) within six years from the day of an original assessment in any other case,

re-assess or make additional assessments.

Idem.

(5) The Treasurer is not bound by a return or information supplied by or on behalf of a taxpayer and, in making an assessment, may, notwithstanding a return or information so supplied or if no return has been filed, assess the tax payable under this Act.

Idem.

(6) An assessment shall, subject to being varied or vacated on appeal under this Act and subject to re-assessment, be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto.

Taxes, —
when to
accrue.

9.—(1) The taxes imposed by this Act shall be deemed to be due on the last day of the taxation year of the taxpayer for which such taxes are imposed.

Dates of
payment.

(2) Every taxpayer on which a tax is imposed by this Act shall pay,

- (a) not later than the close of the taxation year in respect of which the tax is payable, an amount equal to one-half of the tax as estimated by him for the last preceding taxation year or for the taxation year in respect of which the tax is payable, at the rate applicable for such last-mentioned taxation year;
- (b) not later than the fifteenth day of the third month following the month in which the taxation year in respect of which the tax is payable closed, an amount equal to the balance of the tax as so estimated; and
- (c) at the time of making the return under subsection 1 of section 6 the balance, if any, of the tax payable as estimated by the taxpayer in the return.

Interest on
unpaid tax.

(3) Where the amount paid on account of tax payable by a taxpayer for a taxation year before the expiration of the time allowed for filing his return under section 6 is less than the amount of tax payable for the taxation year, the taxpayer liable to pay the tax shall pay interest on the difference between those two amounts from the expiration of the time for filing the return to the date of payment at the rate of six per centum per annum.

(4) Where a taxpayer being required by subsection 2 to *Idem.* pay a part or instalment of tax has failed to pay all or any part thereof as required, the taxpayer, in addition to the interest payable under subsection 3, shall pay interest on the amount he failed to pay at six per centum per annum from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he became liable to pay interest thereon under subsection 3, whichever is earlier.

(5) For the purposes of subsection 4, the taxpayer shall be *Idem.* deemed to have been liable to pay a part or instalment under subsection 2 computed by reference to the tax payable for,

(a) the last preceding taxation year; or

(b) the taxation year in respect of which the tax is payable,

whichever is lesser.

(6) No interest under this section upon the amount by which the unpaid tax exceeds the amount estimated under section 7 is payable in respect of the period beginning twenty months after the day fixed by section 6 for filing the return with respect to which the taxes are payable or twenty months after the return was in fact filed, whichever was later, and ending thirty days from the date of the mailing of the notice of the original assessment for the taxation year. ^{Limitation on interest.}

10.—(1) When any taxpayer is in default in complying with subsection 1 of section 6, he shall be liable to a penalty of, ^{Penalty for default.}

(a) an amount equal to five per centum of the tax that was unpaid when the return was required to be filed, if the tax payable by him for the taxation year that was unpaid at that time was less than \$10,000; and

(b) \$500, if at the time the return was required to be filed, tax payable by him for the taxation year of \$10,000 or more was unpaid.

(2) When any taxpayer fails to complete the information required on the return under subsection 1 of section 6, he shall be liable to a penalty of one per centum of the tax payable by him; provided that such penalty shall not be less than \$1 or more than \$20. *Idem.*

11.—(1) Every person required by section 6 to file a return for a taxpayer for a taxation year shall, within thirty days, file a return on behalf of others. ^{Payments on behalf of others.}

days from the date of mailing of the notice of assessment, pay all taxes, penalties and interest payable by or in respect of that taxpayer to the extent that he has or had, at any time since the taxation year, in his possession or control, property belonging to that taxpayer or his estate and shall thereupon be deemed to have made that payment on behalf of the taxpayer.

Certificate
before dis-
tribution.

(2) Every assignee, liquidator, administrator, executor and other like person, other than a trustee in bankruptcy, before distributing any property under his control, shall obtain a certificate from the Treasurer certifying that there are not outstanding any taxes, interest or penalties that have been assessed under this Act and are chargeable against or payable out of the property.

Liability.

(3) Distribution of property without a certificate required by subsection 2 renders the person required to obtain the certificate personally liable for the unpaid taxes, interest and penalties.

Refunds.

12.—(1) The Treasurer may, upon mailing the notice of assessment, refund, without application therefor, any over-payment made on account of the tax and he shall make such refund after mailing the notice of assessment if application in writing is made therefor by the taxpayer within twelve months from the date the over-payment was made or the day on which the notice of assessment was sent.

Application
to other
taxes.

(2) Instead of making a refund that might otherwise be made under this section, the Treasurer may, where the taxpayer is liable or about to become liable to make another payment under this Act, apply the amount of the over-payment to that other liability and notify the taxpayer of that action.

Interest
on over-
payment.

(3) Where an amount of \$50 or more in respect of an over-payment is refunded or applied on other liability under this section, interest shall be paid or applied for the period commencing,

- (a) six months from the day when the over-payment arose;
- (b) on the day on or before which the return in respect of which the tax was paid was required to be filed;
or
- (c) on the day that the return was in fact filed,

whichever was later, and ending with the day of refunding or application aforesaid at the rate of three per centum per annum.

(4) For the purpose of this section, "over-payment" means ^{Definition.} the aggregate of all amounts paid on account of tax minus all amounts payable under this Act or an amount so paid when no amount is so payable.

13.—(1) Every taxpayer shall keep records and books of ^{Books and records.} account at his place of business or at such other place as may be designated by the Treasurer, in such form and containing such information as will enable the taxes payable under this Act to be determined.

(2) Where a taxpayer has failed to keep adequate records ^{Idem.} and books of account for the purposes of this Act, the Treasurer may require him to keep such records and books of account as he may specify and the taxpayer shall thereafter keep records and books of account as so required.

(3) Every taxpayer required by this section to keep records ^{Idem.} and books of account shall, until written permission for their disposal is obtained from the Treasurer, retain every such record or book of account and every account or voucher necessary to verify the information in any such record or book.

14.—(1) Any person thereunto authorized by the Treasurer ^{Investigations.} for any purpose related to the administration or enforcement of this Act may, at all reasonable times, enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are, or should be, kept pursuant to this Act, and

- (a) audit or examine the books and records and any account, voucher, letter, telegram or other document that relates or may relate to the information that is or should be in the books or records or the amount of tax payable under this Act;
- (b) examine property described by an inventory or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act;
- (c) require the taxpayer or manager of the property or business being examined and any other person on the premises or place to give him all reasonable assistance with his audit or examination and to answer all proper questions relating to the audit or

examination either orally or, if he so requires, in writing on oath or by statutory declaration and, for that purpose, require the taxpayer or other person to attend at the premises or place with him; and

- (d) if, during the course of an audit or examination, it appears to him that there has been a violation of this Act, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

Idem.

(2) The Treasurer may, for the purposes related to the administration or enforcement of this Act, by registered letter or by demand served personally, require from any person,

- (a) any information or additional information, including a return or a supplementary return; or
- (b) production or production on oath of any books, letters, accounts, invoices, financial or other statements or other documents,

within such time as may be stipulated therein.

Inquiry.

(3) The Treasurer may authorize any person to make such inquiry as he may deem necessary with reference to anything relating to the administration and enforcement of this Act.

Copies.

(4) Where any book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced or any officer of the office of the Controller may make, or cause to be made, one or more copies thereof and the document purporting to be certified by the Treasurer or a person thereunto authorized by the Treasurer to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have if it had been proven in the ordinary way.

Compliance.

(5) No person shall hinder or molest or interfere with any person doing anything that he is authorized by or pursuant to this section to do or prevent or attempt to prevent any person doing any such thing and, notwithstanding any other law to the contrary, every person shall do everything he is required by or pursuant to this section to do.

Powers.

(6) For the purpose of an inquiry under subsection 3, the person authorized to make the inquiry shall have all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

15. The Treasurer shall administer and enforce this Act ^{Administra-} and control and supervise all persons employed to carry out ^{tion.} or enforce this Act and the Controller may exercise all the powers and perform the duties of the Treasurer under this Act.

16.—(1) Any taxpayer who objects to an assessment ^{Notice of} under this Act may, within sixty days from the date of the ^{appeal.} mailing of the notice of assessment, by himself or by his solicitor, serve a notice of appeal upon the Treasurer.

(2) The notice of appeal shall be in writing and shall be ^{Service.} served by mailing the same by registered post addressed to the Treasurer.

(3) Every notice of appeal shall, as closely as may be, ^{Form of} follow the form contained in the Schedule and shall set out ^{notice of} clearly the reasons for appeal and all facts relative thereto. ^{appeal.}

17. Upon receipt of the notice of appeal, the Treasurer ^{Decision} shall consider the same and shall affirm or amend the assess- ^{of the} ment appealed against and shall notify the appellant of his ^{Treasurer.} decision by registered post.

18.—(1) If the appellant, after receipt of the decision, ^{Notice of} is dissatisfied therewith, he may, within sixty days from the ^{dissatisfac-} date of the mailing of the decision, mail to the Treasurer by ^{tion.} registered post, a notice entitled,

THE LOGGING TAX ACT, 1950

NOTICE OF DISSATISFACTION

In re the appeal of.....of the.....
of.....in the Province of.....

stating that he desires his appeal to be set down for trial.

(2) The appellant shall forward therewith a final statement ^{Statement} of such further facts, statutory provisions and reasons that ^{with notice.} he intends to submit to the court in support of the appeal as were not included in the notice of appeal, or in the alternative, a recapitulation of all facts, statutory provisions and reasons included in the notice of appeal, and such further facts, provisions and reasons as the appellant intends to submit to the court in support of the appeal.

19.—(1) The appellant shall thereupon give security in ^{Security.} a sum of not less than \$400, or such lesser amount as the Treasurer may require, for the costs of the appeal in a form satisfactory to the Treasurer; provided that in lieu of other security the appellant may pay into court a sum of not less

than \$200, or such lesser amount as the Treasurer may require, in which case the appellant shall, when paying such sum in, state the purpose for which it is paid in and shall forthwith serve a notice upon the Treasurer specifying the fact and purpose of such payment.

Proceedings
voided.

(2) Unless such security is furnished by the appellant within thirty days after the mailing of the notice of dissatisfaction the appeal and all proceedings thereunder shall become null and void.

Decision
upon
receipt of
statement
of facts.

20. Upon receipt of the notice of dissatisfaction and statement of facts, the Treasurer shall mail by registered post to the appellant a reply admitting or denying the facts alleged and confirming or amending the assessment or any amended, additional or subsequent assessment.

Copy of
documents
to be filed.

21.—(1) Within sixty days from the date of the mailing of the reply, the Treasurer shall cause to be transmitted to the Registrar of the Supreme Court or the local registrar of the court for the county or district in which the appellant has his office or transacts business, to be filed in the court, copies of the following documents:

- (a) the return of the appellant, if any, for the taxation year under review;
- (b) the notice of assessment appealed;
- (c) the notice of appeal;
- (d) the decision;
- (e) the notice of dissatisfaction;
- (f) the reply; and
- (g) all other documents and papers relative to the assessment under appeal.

Matter
deemed
action.

(2) The matter shall thereupon be deemed to be an action in the court and shall be set down for trial forthwith by the Registrar or local registrar, as the case may be, and thereafter shall be proceeded with in the same manner as an action commenced in the court; provided that the court or a judge may at any time prior to the commencement of the trial make such other order relating to the delivery of pleadings as may be deemed proper.

Supreme
Court
practice to
govern.

(3) The practice and procedure of the Supreme Court, including the right of appeal and the practice and procedure

relating to appeals, shall apply to every such action, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court.

22. All subsequent proceedings shall be entitled:

Title of
cause.

In re *The Logging Tax Act, 1950*, and the appeal 1950, c. ...
of.....of.....in the
Province of.....

23.—(1) After an appeal has been set down for trial, any fact or statutory provision not set out in the notice of appeal or notice of dissatisfaction may be pleaded or referred to in such manner and upon such terms as the court or a judge thereof may direct. Conditional
limitations
of evidence.

(2) The court may refer the matter back to the Treasurer for further consideration. Matter may
be referred
back to
Treasurer.

24. Subject to the provisions of this Act, the Supreme Court shall have exclusive jurisdiction to hear and determine all questions that may arise in connection with any assessment made under this Act and in delivering judgment may make any order as to the payment of any tax, interest or penalty or as to costs as to the court may seem right and proper. Jurisdiction
of court.

25. An assessment shall not be varied or disallowed because of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision up to the date of the issue of the notice of assessment. Irregulari-
ties.

26. Any such proceedings before the Supreme Court hereunder shall be held *in camera* upon request made to the court by any party to the proceedings. Proceedings
in camera.

27. If a notice of appeal is not served or a notice of dissatisfaction is not mailed within the time limited therefor, the right of the taxpayer assessed to appeal shall cease and the assessment shall be valid and binding notwithstanding any error, defect or omission therein or in any proceedings required by this Act. Right of
appeal
barred.

28. All taxes, interest, penalties, costs and other amounts payable under this Act are debts due to His Majesty in right of Ontario and recoverable as such in any court of competent jurisdiction or in any other manner provided by this Act. Debts to His
Majesty.

29. Where an amount payable under this Act has not been paid, the Treasurer may upon the expiration of thirty Warrant of
execution.

days from the default, issue a warrant and may direct it to the sheriff of any county or district in which any property of the taxpayer is located or situated, for the amount of the tax, interest and penalty, or any of them, owing by the taxpayer to the Treasurer, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant shall have the same force and effect as a writ of execution issued out of the Supreme Court.

Garnishment.

30.—(1) When the Treasurer has knowledge or suspects that any person is or is about to become indebted or liable to make any payment to a taxpayer liable to make a payment under this Act, he may, by registered letter, require him to pay the moneys otherwise payable to that taxpayer in whole or in part to the Treasurer on account of the liability under this Act.

Idem.

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

Idem.

(3) Every person who has discharged any liability to a taxpayer liable to make a payment under this Act without complying with a requirement under this section is liable to pay to His Majesty in right of Ontario an amount equal to the liability discharged or the amount which he was required under this section to pay to the Treasurer, whichever is lesser.

Priority of tax.

31. All taxes, interest, penalties, costs and other amounts payable under this Act shall be a first lien and charge upon the property in Ontario of the taxpayer liable to pay such taxes, interest, penalties, costs and other amounts.

Compromise.

32. If any doubt or dispute arises as to the liability of any taxpayer to pay a tax or any portion of a tax demanded under this Act, or, if owing to special circumstances, it is deemed inequitable to demand payment of the whole amount imposed under this Act, the Treasurer may accept such amount as he may deem proper, and if the tax demanded has been paid under protest, he may refund the amount paid or any part thereof.

Offences.

33.—(1) Every person who has failed to file a return or any information as and when required by or under this Act is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to a penalty of \$25 for each day of default.

Idem.

(2) Every person who has failed to comply with or contravened section 13 or section 14 is guilty of an offence and,

in addition to any penalty otherwise provided, is liable on summary conviction to a penalty of not less than \$200 and not more than \$10,000 or to imprisonment for a term of not more than six months or to both.

(3) Every person,

Idem.

- (a) who has made, or participated in, assented to or acquiesced in the making of false or deceptive statements in a return, certificate, statement or answer filed or made as required by or under this Act;
- (b) who has, to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a taxpayer;
- (c) who has made, or assented to or acquiesced in the making of false or deceptive entries in records or books of account of a taxpayer;
- (d) who has failed, or assented to or acquiesced in the failure, to enter a material particular in records or books of account of a taxpayer;
- (e) who has wilfully, in any manner, evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act; or
- (f) conspired with any person to commit any offence under clauses *a* to *e*,

is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to a penalty of not less than \$25 and not more than \$10,000 or to imprisonment for a term of not more than two years or to both.

34. Every person who, while employed in the service of His Majesty has communicated or allowed to be communicated to a person not legally entitled thereto any information obtained under this Act or has allowed any such person to inspect or have access to any written statement furnished under this Act is guilty of an offence and liable on summary conviction to a penalty of not more than \$200. Communi-
cation of
information.

35. Declarations or affidavits in connection with returns filed under this Act may be taken before any person having authority to administer an oath, or before any person specially authorized for that purpose by the Lieutenant-Governor in Council, but a person so specially authorized shall not charge a fee therefor. Declara-
tions.

Information
or complaint.

36.—(1) An information or complaint under this Act may be laid or made by any officer of the Treasury Department or by any person thereunto authorized by the Treasurer and, where an information or complaint purports to have been laid or made under this Act shall be deemed to have been laid or made by a person thereunto authorized by the Treasurer and shall not be called in question for lack of authority of the informant or complainant except by the Treasurer or by some person acting for him.

Two or
more
offences.

(2) An information or complaint in respect of an offence under this Act may be for one or more than one offence and no information, complaint, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Territorial
jurisdiction.

(3) A complaint or information in respect of an offence under this Act may be heard, tried or determined by a magistrate if the accused is resident, carrying on business, found or apprehended or is in custody within his jurisdiction although the matter of the information or complaint did not arise within his jurisdiction.

Limitation
of prosecution.

(4) An information or complaint under Part XV of the *Criminal Code* (Canada) in respect of an offence under this Act may be laid or made on or before a day five years from the time when the matter of the information or complaint arose or within one year from the day on which evidence, sufficient in the opinion of the Treasurer to justify a prosecution for the offence, came to his knowledge, and his certificate as to the day on which such evidence came to his knowledge is conclusive evidence thereof.

Proof of
service
by mail.

(5) Where by this Act provision is made for sending by mail a request for information, notice or demand, an affidavit of an officer of the Treasury Department sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records, that he has knowledge of the facts in the particular case, that such a request, notice or demand was sent by registered letter on a named day to the person to whom it was addressed, indicating such address, and that he identifies as exhibits attached to the affidavit the post-office certificate of registration of the letter or a true copy of the relevant portion thereof and a true copy of the request, notice or demand, shall be received as *prima facie* evidence of the sending of the request, notice or demand.

Proof of
failure
to comply.

(6) Where by this Act a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department, sworn before a commis-

sioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after a careful examination and search of the records, he has been unable to find in a given case that the return, statement, answer or certificate, as the case may be, has been made by such person, shall be received as *prima facie* evidence that in such case that person did not make the return, statement, answer or certificate, as the case may be.

(7) Where by this Act a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that, after careful examination of such records, he has found that the return, statement, answer or certificate was filed or made on a particular day, shall be received as *prima facie* evidence that it was filed or made on that day. Proof of time of compliance.

(8) An affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that a document annexed thereto is a document or a true copy of a document made by or on behalf of the Treasurer or some person exercising the powers of the Treasurer or by or on behalf of the taxpayer, shall be received as *prima facie* evidence of the nature and contents of the document and shall be admissible in evidence and have the same probative force as the original document would have if it had been proven in the ordinary way. Proof of documents.

(9) An affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and has knowledge of the practice of the Department and that an examination of the records shows that a notice of assessment for a particular taxation year was mailed to a taxpayer on a particular day pursuant to this Act and that, after careful examination and search of the records, he has been unable to find that a notice of appeal from the assessment or a notice of objection to the decision of the Treasurer was received within the time allowed therefor, shall be received as *prima facie* evidence of the statements contained therein. Proof of no appeal.

(10) Where evidence is offered under this section by an affidavit from which it appears that the person making the affidavit is an officer of the Treasury Department, it is not necessary to prove his signature or that he is such an officer nor is it necessary to prove the signature or official character of the person before whom the affidavit was sworn. Presumption.

Commence-
ment of Act.

37. This Act shall come into force on the day it receives the Royal Assent and shall be effective with respect to the taxation years of taxpayers ending in 1949 and subsequent taxation years.

Short title.

38. This Act may be cited as *The Logging Tax Act, 1950*.

SCHEDULE

NOTICE OF APPEAL

In re *The Logging Tax Act, 1950*.....
 (Name of taxpayer)
 of the.....of.....in the
 Province of.....
 Appellant.

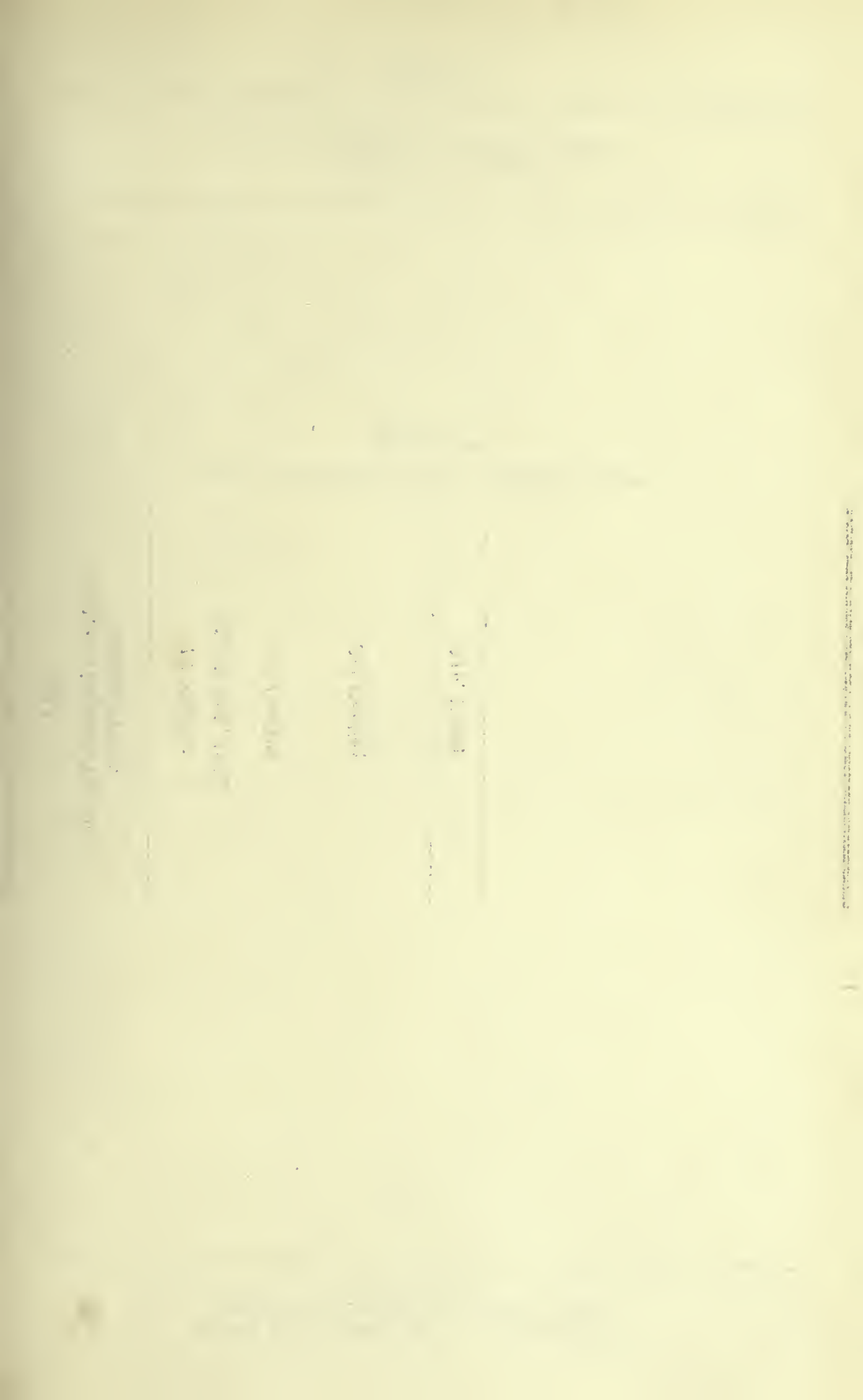
Notice of Appeal is hereby given from the assessment bearing date the.....day of....., 19..., wherein a tax of \$..... was levied in respect of income from logging operations in Ontario for the taxation of year 19....

Then follow with,—

1. Full statement of facts.
2. Full statement of reasons for appeal.

Dated this day of, 19.....

 (Signature of Appellant)



BILL

An Act to impose a Tax on
Logging Profits.

1st Reading

March 28th, 1950

2nd Reading

3rd Reading

MR. FROST

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to impose a Tax on Logging Profits.

MR. FROST

No. 134

1950

BILL

An Act to impose a Tax on Logging Profits.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

**Interpreta-
tion.**

- (a) "Controller" means Controller of Revenue for Ontario;
- (b) "income" means income derived from logging operations in Ontario;
- (c) "logging operations in Ontario" includes the sale of logs in Ontario, the export of logs from Ontario, the import of logs into Ontario, the acquisition of timber in Ontario from which logs are cut, the cutting of timber in Ontario, the transportation of logs in Ontario, the delivery of logs to any sawmill, pulp or paper plant or other place for processing or manufacturing in Ontario, or the delivery of logs in Ontario to a carrier for export from Ontario, or any combination of such operations;
- (d) "taxation year" means the calendar year or where the fiscal year of the taxpayer does not coincide with the calendar year, the fiscal year ending within the calendar year;
- (e) "taxpayer" means any person who engages in logging operations in Ontario;
- (f) "Treasurer" means Treasurer of Ontario.

2. Every taxpayer shall for each taxation year, pay a tax **Tax.** of nine per centum calculated on the income in excess of \$10,000 which he derives during such year from logging operations in Ontario.

3.—(1) Income derived from logging operations in Ontario **Income defined.** means the net profit or gain of the taxpayer during the taxation year determined by deducting from the value of logs disposed of,

- (a) the cost of the acquisition of or the right to cut the timber from which such logs were obtained;
- (b) the cost of cutting the timber from which such logs were obtained; and
- (c) the cost of transporting such logs to the point of delivery,

or where such logs are purchased from another person,

- (d) the cost price of such logs; and
- (e) the cost of transportation of such logs from the point of receipt to the point of delivery.

Saving.

(2) Where only a part of the tax for a taxation year calculated on income derived by a taxpayer from logging operations in Ontario as defined in subsection 1 is found to be deductible from his income under clause *n* of subsection 1 of section 11 of *The Income Tax Act* (Canada), his income derived from logging operations in Ontario for that taxation year shall be, in lieu of the income described in subsection 1, the total of the amount that results from capitalizing the amount of so much of such tax as is so deductible at nine per centum and \$10,000.

Interpretation,
"value of
logs disposed
of".

4. In this Act, "value of logs disposed of" means,

- (a) in the case of the sale by the taxpayer of logs to any person at the time of or prior to delivery to a saw-mill, pulp or paper plant or other place for processing or manufacturing thereof in Ontario, or delivery to a carrier for export from Ontario, or delivery otherwise, the sale price of such logs;
- (b) in the case of logs processed or manufactured by the taxpayer during a taxation year, the difference between,

(i) the sale value of the product thereof,

and the total of,

- (ii) the cost of such processing or manufacturing including depreciation of machinery, equipment, plant, buildings, works and improvements used therein and all charges relating thereto that would be deductible under subsections 4 (except the charge described in clause *n* thereof), 5, 6, 6a, 6b, 6c, 6d, 6e and 6f of section 14 of *The Corporations Tax Act, 1939*,

and the greater of,

- (iii) ten per centum of the original cost of the land and of the depreciable assets including machinery, equipment, plant, buildings, works and improvements used in the processing or manufacturing of the logs, or
- (iv) thirty per centum, in the case of saw mills, and forty per centum, in the case of pulp and paper plants and other places used for the processing or manufacturing of the logs, of the net profit or gain derived by the taxpayer from all sources remaining after excluding therefrom the net profit or gain derived by him from, and attributable in accordance with sound accounting principles to, the carrying on of any business, or derived from or so attributable to any source, other than logging operations and the processing and manufacturing of the logs obtained from such operations,

and where such processing or manufacturing is outside of Ontario,

- (v) the cost of transportation of the logs from the point of delivery to a carrier in Ontario to the point of delivery to the sawmill, pulp or paper plant or other place used for the processing or manufacturing of the logs outside of Ontario.

5.—(1) Where a taxpayer purchases anything from a person with whom he is not dealing at arms-length at a price in excess of the fair market value, the fair market value thereof shall, for the purpose of computing the income of the taxpayer under sections 3 and 4, be deemed to have been paid or to be payable therefor. Inadequate
consideration.

(2) Where a taxpayer sells anything to a person with whom he is not dealing at arms-length at a price less than the fair market value, the fair market value thereof shall, for the purpose of computing the income of the taxpayer under sections 3 and 4, be deemed to have been received or to be receivable therefor. Idem.

(3) Where a taxpayer pays or agrees to pay to a person with whom he is not dealing at arms-length as price, royalty, rental or other payment for use or reproduction of any property an amount computed at a rate higher than that at which Idem.

similar payments by other persons in the same kind of business are computed, an amount computed at the rate at which similar payments are made by such other persons shall, for the purpose of computing the income of the taxpayer under sections 3 and 4, be deemed to have been the amount that is paid or is payable therefor.

Idem.

(4) Where a taxpayer is an incorporated company and directly or indirectly distributes to its shareholders any of its property either on winding-up, or otherwise, for no consideration or for a consideration below the fair market value, if the sale thereof at the fair market value would have increased the income of the taxpayer under sections 3 and 4, it shall be deemed, for the purpose of determining such income, to have sold the property during the taxation year and to have received therefor the fair market value thereof.

Arms-length.

(5) For the purpose of this section,

- (a) a corporation and a person or one of several persons by whom it is directly or indirectly controlled;
- (b) corporations controlled directly or indirectly by the same person; or
- (c) persons connected by blood relationship, marriage or adoption,

shall, without extending the meaning of the expression "to deal with each other at arms-length", be deemed not to deal with each other at arms-length.

Return.

6.—(1) A return of the income of each taxpayer for each taxation year shall, without notice or demand therefor, be filed with the Controller containing such information as is required,

- (a) in the case of a corporation, by or on behalf thereof, within six months from the end of the taxation year;
- (b) in the case of a person who has died without making the return, by his legal representatives, within six months from the day of death;
- (c) in the case of an estate or trust, within ninety days from the end of the taxation year;
- (d) in the case of any other taxpayer, on or before the 30th day of April in the next year, by that taxpayer or, if he is unable for any reason to file the return, by his guardian, committee or other legal representative; or

- (e) in the case where no person described by clause *a, b, c* or *d* has filed the return, by such person as is required by notice in writing from the Treasurer to file the return, within such reasonable time as the notice specifies.

(2) Every person, whether or not he is liable to pay tax ^{Demand for} under this Act for a taxation year and whether or not he has ^{return.} filed a return under subsection 1, shall upon receipt at any time of a demand therefor in writing from the Treasurer, file forthwith with the Treasurer a return of his income for that year, containing such information as is required.

(3) Every trustee in bankruptcy, assignee, liquidator, ^{Trustees,} receiver, trustee or committee and every agent or other person ^{etc.} administering, managing, winding-up, controlling or otherwise dealing with the property, business, estate or income of a taxpayer who has not filed a return for a taxation year as required by this section shall file a return of the income of such taxpayer for that year.

(4) Where a taxpayer who is a partner in or who is a pro- ^{Death of a} prietor of a business engaged in logging operations in Ontario ^{partner or} died after the close of a taxation year but before the end of ^{proprietor.} the calendar year in which the taxation year closed, a separate return of the taxpayer's income after the close of the taxation year to the time of death shall be filed and the tax payable under this Act shall be paid thereon as if that income were the income of another taxpayer.

(5) The Treasurer may at any time extend the time for ^{Extension.} making a return under this Act.

7. Every taxpayer required by section 6 to file a return ^{Estimate} shall estimate in the return the amount of tax payable. ^{of tax.}

8.—(1) The Treasurer shall, with all due despatch, examine ^{Rules for} each return and assess the tax for the taxation year and the ^{assessment.} interest and penalties, if any, payable.

(2) After examination of a return, the Treasurer shall send ^{Idem.} a notice of assessment to the person by whom the return was filed.

(3) Liability for tax under this Act is not affected by an ^{Idem.} incorrect or incomplete assessment or by the fact that no assessment has been made.

(4) The Treasurer may, at any time, assess tax, interest or ^{Idem.} penalties and may,

- (a) at any time, if the taxpayer or person filing the return, has made any misrepresentation or committed any fraud in filing the return or supplying information under this Act; and
- (b) within six years from the day of an original assessment in any other case,

re-assess or make additional assessments.

Idem.

(5) The Treasurer is not bound by a return or information supplied by or on behalf of a taxpayer and, in making an assessment, may, notwithstanding a return or information so supplied or if no return has been filed, assess the tax payable under this Act.

Idem.

(6) An assessment shall, subject to being varied or vacated on appeal under this Act and subject to re-assessment, be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto.

Taxes, —
when to
accrue.

9.—(1) The taxes imposed by this Act shall be deemed to be due on the last day of the taxation year of the taxpayer for which such taxes are imposed.

Dates of
payment.

(2) Every taxpayer on which a tax is imposed by this Act shall pay,

- (a) not later than the close of the taxation year in respect of which the tax is payable, an amount equal to one-half of the tax as estimated by him for the last preceding taxation year or for the taxation year in respect of which the tax is payable, at the rate applicable for such last-mentioned taxation year;
- (b) not later than the fifteenth day of the third month following the month in which the taxation year in respect of which the tax is payable closed, an amount equal to the balance of the tax as so estimated; and
- (c) at the time of making the return under subsection 1 of section 6 the balance, if any, of the tax payable as estimated by the taxpayer in the return.

Interest on
unpaid tax.

(3) Where the amount paid on account of tax payable by a taxpayer for a taxation year before the expiration of the time allowed for filing his return under section 6 is less than the amount of tax payable for the taxation year, the taxpayer liable to pay the tax shall pay interest on the difference between those two amounts from the expiration of the time for filing the return to the date of payment at the rate of six per centum per annum.

(4) Where a taxpayer being required by subsection 2 to *Idem.* pay a part or instalment of tax has failed to pay all or any part thereof as required, the taxpayer, in addition to the interest payable under subsection 3, shall pay interest on the amount he failed to pay at six per centum per annum from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he became liable to pay interest thereon under subsection 3, whichever is earlier.

(5) For the purposes of subsection 4, the taxpayer shall be *Idem.* deemed to have been liable to pay a part or instalment under subsection 2 computed by reference to the tax payable for,

(a) the last preceding taxation year; or

(b) the taxation year in respect of which the tax is payable,

whichever is lesser.

(6) No interest under this section upon the amount by *Limitation on interest.* which the unpaid tax exceeds the amount estimated under section 7 is payable in respect of the period beginning twenty months after the day fixed by section 6 for filing the return with respect to which the taxes are payable or twenty months after the return was in fact filed, whichever was later, and ending thirty days from the date of the mailing of the notice of the original assessment for the taxation year.

10.—(1) When any taxpayer is in default in complying *Penalty for default.* with subsection 1 of section 6, he shall be liable to a penalty of,

(a) an amount equal to five per centum of the tax that was unpaid when the return was required to be filed, if the tax payable by him for the taxation year that was unpaid at that time was less than \$10,000; and

(b) \$500, if at the time the return was required to be filed, tax payable by him for the taxation year of \$10,000 or more was unpaid.

(2) When any taxpayer fails to complete the information *Idem.* required on the return under subsection 1 of section 6, he shall be liable to a penalty of one per centum of the tax payable by him; provided that such penalty shall not be less than \$1 or more than \$20.

11.—(1) Every person required by section 6 to file a *Payments on behalf of others.* return for a taxpayer for a taxation year shall, within thirty

days from the date of mailing of the notice of assessment, pay all taxes, penalties and interest payable by or in respect of that taxpayer to the extent that he has or had, at any time since the taxation year, in his possession or control, property belonging to that taxpayer or his estate and shall thereupon be deemed to have made that payment on behalf of the taxpayer.

Certificate
before dis-
tribution.

(2) Every assignee, liquidator, administrator, executor and other like person, other than a trustee in bankruptcy, before distributing any property under his control, shall obtain a certificate from the Treasurer certifying that there are not outstanding any taxes, interest or penalties that have been assessed under this Act and are chargeable against or payable out of the property.

Liability.

(3) Distribution of property without a certificate required by subsection 2 renders the person required to obtain the certificate personally liable for the unpaid taxes, interest and penalties.

Refunds.

12.—(1) The Treasurer may, upon mailing the notice of assessment, refund, without application therefor, any over-payment made on account of the tax and he shall make such refund after mailing the notice of assessment if application in writing is made therefor by the taxpayer within twelve months from the date the over-payment was made or the day on which the notice of assessment was sent.

Application
to other
taxes.

(2) Instead of making a refund that might otherwise be made under this section, the Treasurer may, where the taxpayer is liable or about to become liable to make another payment under this Act, apply the amount of the over-payment to that other liability and notify the taxpayer of that action.

Interest
on over-
payment.

(3) Where an amount of \$50 or more in respect of an over-payment is refunded or applied on other liability under this section, interest shall be paid or applied for the period commencing,

- (a) six months from the day when the over-payment arose;
- (b) on the day on or before which the return in respect of which the tax was paid was required to be filed; or
- (c) on the day that the return was in fact filed,

whichever was later, and ending with the day of refunding or application aforesaid at the rate of three per centum per annum.

(4) For the purpose of this section, "over-payment" means ^{Definition.} the aggregate of all amounts paid on account of tax minus all amounts payable under this Act or an amount so paid when no amount is so payable.

13.—(1) Every taxpayer shall keep records and books of ^{Books and records.} account at his place of business or at such other place as may be designated by the Treasurer, in such form and containing such information as will enable the taxes payable under this Act to be determined.

(2) Where a taxpayer has failed to keep adequate records ^{Idem.} and books of account for the purposes of this Act, the Treasurer may require him to keep such records and books of account as he may specify and the taxpayer shall thereafter keep records and books of account as so required.

(3) Every taxpayer required by this section to keep records ^{Idem.} and books of account shall, until written permission for their disposal is obtained from the Treasurer, retain every such record or book of account and every account or voucher necessary to verify the information in any such record or book.

14.—(1) Any person thereunto authorized by the Treasurer ^{Investigations.} for any purpose related to the administration or enforcement of this Act may, at all reasonable times, enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are, or should be, kept pursuant to this Act, and

- (a) audit or examine the books and records and any account, voucher, letter, telegram or other document that relates or may relate to the information that is or should be in the books or records or the amount of tax payable under this Act;
- (b) examine property described by an inventory or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act;
- (c) require the taxpayer or manager of the property or business being examined and any other person on the premises or place to give him all reasonable assistance with his audit or examination and to answer all proper questions relating to the audit or

examination either orally or, if he so requires, in writing on oath or by statutory declaration and, for that purpose, require the taxpayer or other person to attend at the premises or place with him; and

- (d) if, during the course of an audit or examination, it appears to him that there has been a violation of this Act, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

Idem. (2) The Treasurer may, for the purposes related to the administration or enforcement of this Act, by registered letter or by demand served personally, require from any person,

- (a) any information or additional information, including a return or a supplementary return; or
- (b) production or production on oath of any books, letters, accounts, invoices, financial or other statements or other documents,

within such time as may be stipulated therein.

Inquiry. (3) The Treasurer may authorize any person to make such inquiry as he may deem necessary with reference to anything relating to the administration and enforcement of this Act.

Copies. (4) Where any book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced or any officer of the office of the Controller may make, or cause to be made, one or more copies thereof and the document purporting to be certified by the Treasurer or a person thereunto authorized by the Treasurer to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have if it had been proven in the ordinary way.

Compliance. (5) No person shall hinder or molest or interfere with any person doing anything that he is authorized by or pursuant to this section to do or prevent or attempt to prevent any person doing any such thing and, notwithstanding any other law to the contrary, every person shall do everything he is required by or pursuant to this section to do.

Powers. (6) For the purpose of an inquiry under subsection 3, the person authorized to make the inquiry shall have all the powers that may be conferred upon a commissioner appointed under

Rev. Stat., *The Public Inquiries Act.*
c. 19.

15. The Treasurer shall administer and enforce this Act <sup>Administra-
tion.</sup> and control and supervise all persons employed to carry out or enforce this Act and the Controller may exercise all the powers and perform the duties of the Treasurer under this Act.

16.—(1) Any taxpayer who objects to an assessment <sup>Notice of
appeal.</sup> under this Act may, within sixty days from the date of the mailing of the notice of assessment, by himself or by his solicitor, serve a notice of appeal upon the Treasurer.

(2) The notice of appeal shall be in writing and shall be ^{Service.} served by mailing the same by registered post addressed to the Treasurer.

(3) Every notice of appeal shall, as closely as may be, <sup>Form of
notice of
appeal.</sup> follow the form contained in the Schedule and shall set out clearly the reasons for appeal and all facts relative thereto.

17. Upon receipt of the notice of appeal, the Treasurer <sup>Decision
of the
Treasurer.</sup> shall consider the same and shall affirm or amend the assessment appealed against and shall notify the appellant of his decision by registered post.

18.—(1) If the appellant, after receipt of the decision, <sup>Notice of
dissatisfac-
tion.</sup> is dissatisfied therewith, he may, within sixty days from the date of the mailing of the decision, mail to the Treasurer by registered post, a notice entitled,

THE LOGGING TAX ACT, 1950

NOTICE OF DISSATISFACTION

In re the appeal of.....of the.....
of.....in the Province of.....

stating that he desires his appeal to be set down for trial.

(2) The appellant shall forward therewith a final statement <sup>Statement
with notice.</sup> of such further facts, statutory provisions and reasons that he intends to submit to the court in support of the appeal as were not included in the notice of appeal, or in the alternative, a recapitulation of all facts, statutory provisions and reasons included in the notice of appeal, and such further facts, provisions and reasons as the appellant intends to submit to the court in support of the appeal.

19.—(1) The appellant shall thereupon give security in ^{Security.} a sum of not less than \$400, or such lesser amount as the Treasurer may require, for the costs of the appeal in a form satisfactory to the Treasurer; provided that in lieu of other security the appellant may pay into court a sum of not less

than \$200, or such lesser amount as the Treasurer may require, in which case the appellant shall, when paying such sum in, state the purpose for which it is paid in and shall forthwith serve a notice upon the Treasurer specifying the fact and purpose of such payment.

Proceedings
voided.

(2) Unless such security is furnished by the appellant within thirty days after the mailing of the notice of dissatisfaction the appeal and all proceedings thereunder shall become null and void.

Decision
upon
receipt of
statement
of facts.

20. Upon receipt of the notice of dissatisfaction and statement of facts, the Treasurer shall mail by registered post to the appellant a reply admitting or denying the facts alleged and confirming or amending the assessment or any amended, additional or subsequent assessment.

Copy of
documents
to be filed.

21.—(1) Within sixty days from the date of the mailing of the reply, the Treasurer shall cause to be transmitted to the Registrar of the Supreme Court or the local registrar of the court for the county or district in which the appellant has his office or transacts business, to be filed in the court, copies of the following documents:

- (a) the return of the appellant, if any, for the taxation year under review;
- (b) the notice of assessment appealed;
- (c) the notice of appeal;
- (d) the decision;
- (e) the notice of dissatisfaction;
- (f) the reply; and
- (g) all other documents and papers relative to the assessment under appeal.

Matter
deemed
action.

(2) The matter shall thereupon be deemed to be an action in the court and shall be set down for trial forthwith by the Registrar or local registrar, as the case may be, and thereafter shall be proceeded with in the same manner as an action commenced in the court; provided that the court or a judge may at any time prior to the commencement of the trial make such other order relating to the delivery of pleadings as may be deemed proper.

Supreme
Court
practice to
govern.

(3) The practice and procedure of the Supreme Court, including the right of appeal and the practice and procedure

relating to appeals, shall apply to every such action, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court.

22. All subsequent proceedings shall be entitled:

Title of
cause.

In re *The Logging Tax Act, 1950*, and the appeal 1950, c. ...
of of in the
Province of

23.—(1) After an appeal has been set down for trial, any fact or statutory provision not set out in the notice of appeal or notice of dissatisfaction may be pleaded or referred to in such manner and upon such terms as the court or a judge thereof may direct.

Conditional
limitations
of evidence.

(2) The court may refer the matter back to the Treasurer for further consideration.

Matter may
be referred
back to
Treasurer.

24. Subject to the provisions of this Act, the Supreme Court shall have exclusive jurisdiction to hear and determine all questions that may arise in connection with any assessment made under this Act and in delivering judgment may make any order as to the payment of any tax, interest or penalty or as to costs as to the court may seem right and proper.

Jurisdiction
of court.

25. An assessment shall not be varied or disallowed because of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision up to the date of the issue of the notice of assessment.

Irregulari-
ties.

26. Any such proceedings before the Supreme Court hereunder shall be held *in camera* upon request made to the court by any party to the proceedings.

Proceedings
in camera.

27. If a notice of appeal is not served or a notice of dissatisfaction is not mailed within the time limited therefor, the right of the taxpayer assessed to appeal shall cease and the assessment shall be valid and binding notwithstanding any error, defect or omission therein or in any proceedings required by this Act.

Right of
appeal
barred.

28. All taxes, interest, penalties, costs and other amounts payable under this Act are debts due to His Majesty in right of Ontario and recoverable as such in any court of competent jurisdiction or in any other manner provided by this Act.

Debts to His
Majesty.

29. Where an amount payable under this Act has not been paid, the Treasurer may upon the expiration of thirty

Warrant of
execution.

days from the default, issue a warrant and may direct it to the sheriff of any county or district in which any property of the taxpayer is located or situated, for the amount of the tax, interest and penalty, or any of them, owing by the taxpayer to the Treasurer, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant shall have the same force and effect as a writ of execution issued out of the Supreme Court.

Garnishment.

30.—(1) When the Treasurer has knowledge or suspects that any person is or is about to become indebted or liable to make any payment to a taxpayer liable to make a payment under this Act, he may, by registered letter, require him to pay the moneys otherwise payable to that taxpayer in whole or in part to the Treasurer on account of the liability under this Act.

Idem.

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

Idem.

(3) Every person who has discharged any liability to a taxpayer liable to make a payment under this Act without complying with a requirement under this section is liable to pay to His Majesty in right of Ontario an amount equal to the liability discharged or the amount which he was required under this section to pay to the Treasurer, whichever is lesser.

Priority of tax.

31. All taxes, interest, penalties, costs and other amounts payable under this Act shall be a first lien and charge upon the property in Ontario of the taxpayer liable to pay such taxes, interest, penalties, costs and other amounts.

Compromise.

32. If any doubt or dispute arises as to the liability of any taxpayer to pay a tax or any portion of a tax demanded under this Act, or, if owing to special circumstances, it is deemed inequitable to demand payment of the whole amount imposed under this Act, the Treasurer may accept such amount as he may deem proper, and if the tax demanded has been paid under protest, he may refund the amount paid or any part thereof.

Offences.

33.—(1) Every person who has failed to file a return or any information as and when required by or under this Act is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to a penalty of \$25 for each day of default.

Idem.

(2) Every person who has failed to comply with or contravened section 13 or section 14 is guilty of an offence and,

in addition to any penalty otherwise provided, is liable on summary conviction to a penalty of not less than \$200 and not more than \$10,000 or to imprisonment for a term of not more than six months or to both.

(3) Every person,

Idem.

- (a) who has made, or participated in, assented to or acquiesced in the making of false or deceptive statements in a return, certificate, statement or answer filed or made as required by or under this Act;
- (b) who has, to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a taxpayer;
- (c) who has made, or assented to or acquiesced in the making of false or deceptive entries in records or books of account of a taxpayer;
- (d) who has failed, or assented to or acquiesced in the failure, to enter a material particular in records or books of account of a taxpayer;
- (e) who has wilfully, in any manner, evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act; or
- (f) conspired with any person to commit any offence under clauses *a* to *e*,

is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to a penalty of not less than \$25 and not more than \$10,000 or to imprisonment for a term of not more than two years or to both.

34. Every person who, while employed in the service of His Majesty has communicated or allowed to be communicated to a person not legally entitled thereto any information obtained under this Act or has allowed any such person to inspect or have access to any written statement furnished under this Act is guilty of an offence and liable on summary conviction to a penalty of not more than \$200. Communi-
cation of
information.

35. Declarations or affidavits in connection with returns filed under this Act may be taken before any person having authority to administer an oath, or before any person specially authorized for that purpose by the Lieutenant-Governor in Council, but a person so specially authorized shall not charge a fee therefor. Declara-
tions.

Information
or complaint.

36.—(1) An information or complaint under this Act may be laid or made by any officer of the Treasury Department or by any person thereunto authorized by the Treasurer and, where an information or complaint purports to have been laid or made under this Act shall be deemed to have been laid or made by a person thereunto authorized by the Treasurer and shall not be called in question for lack of authority of the informant or complainant except by the Treasurer or by some person acting for him.

Two or
more
offences.

(2) An information or complaint in respect of an offence under this Act may be for one or more than one offence and no information, complaint, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Territorial
jurisdiction.

(3) A complaint or information in respect of an offence under this Act may be heard, tried or determined by a magistrate if the accused is resident, carrying on business, found or apprehended or is in custody within his jurisdiction although the matter of the information or complaint did not arise within his jurisdiction.

Limitation
of prosecution.

(4) An information or complaint under Part XV of the *Criminal Code* (Canada) in respect of an offence under this Act may be laid or made on or before a day five years from the time when the matter of the information or complaint arose or within one year from the day on which evidence, sufficient in the opinion of the Treasurer to justify a prosecution for the offence, came to his knowledge, and his certificate as to the day on which such evidence came to his knowledge is conclusive evidence thereof.

Proof of
service
by mail.

(5) Where by this Act provision is made for sending by mail a request for information, notice or demand, an affidavit of an officer of the Treasury Department sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records, that he has knowledge of the facts in the particular case, that such a request, notice or demand was sent by registered letter on a named day to the person to whom it was addressed, indicating such address, and that he identifies as exhibits attached to the affidavit the post-office certificate of registration of the letter or a true copy of the relevant portion thereof and a true copy of the request, notice or demand, shall be received as *prima facie* evidence of the sending of the request, notice or demand.

Proof of
failure
to comply.

(6) Where by this Act a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department, sworn before a commis-

sioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after a careful examination and search of the records, he has been unable to find in a given case that the return, statement, answer or certificate, as the case may be, has been made by such person, shall be received as *prima facie* evidence that in such case that person did not make the return, statement, answer or certificate, as the case may be.

(7) Where by this Act a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that, after careful examination of such records, he has found that the return, statement, answer or certificate was filed or made on a particular day, shall be received as *prima facie* evidence that it was filed or made on that day. Proof of time of compliance.

(8) An affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that a document annexed thereto is a document or a true copy of a document made by or on behalf of the Treasurer or some person exercising the powers of the Treasurer or by or on behalf of the taxpayer, shall be received as *prima facie* evidence of the nature and contents of the document and shall be admissible in evidence and have the same probative force as the original document would have if it had been proven in the ordinary way. Proof of documents.

(9) An affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and has knowledge of the practice of the Department and that an examination of the records shows that a notice of assessment for a particular taxation year was mailed to a taxpayer on a particular day pursuant to this Act and that, after careful examination and search of the records, he has been unable to find that a notice of appeal from the assessment or a notice of objection to the decision of the Treasurer was received within the time allowed therefor, shall be received as *prima facie* evidence of the statements contained therein. Proof of no appeal.

(10) Where evidence is offered under this section by an affidavit from which it appears that the person making the affidavit is an officer of the Treasury Department, it is not necessary to prove his signature or that he is such an officer nor is it necessary to prove the signature or official character of the person before whom the affidavit was sworn. Presumption.

Commence-
ment of Act.

37. This Act shall come into force on the day it receives the Royal Assent and shall be effective with respect to the taxation years of taxpayers ending in 1949 and subsequent taxation years.

Short title.

38. This Act may be cited as *The Logging Tax Act, 1950*.

SCHEDULE

NOTICE OF APPEAL

In re *The Logging Tax Act, 1950*.....
 (Name of taxpayer)
 of the of in the
 Province of
 Appellant.

Notice of Appeal is hereby given from the assessment bearing date the day of, 19..., wherein a tax of \$..... was levied in respect of income from logging operations in Ontario for the taxation of year 19....

Then follow with,—

1. Full statement of facts.
2. Full statement of reasons for appeal.

Dated this day of, 19....

.....
 (Signature of Appellant)

BILL

An Act to impose a Tax on
Logging Profits.

1st Reading

March 28th, 1950

2nd Reading

April 4th, 1950

3rd Reading

April 6th, 1950

MR. FROST

No. 135

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Corporations Tax Act, 1939.

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1—Subsection 1. Clause *d* as re-enacted will allow deductions to be made from income for payments made by companies as current contributions to employees' pension funds.

Subsection 2. The clause added allows a deduction from income of the profits derived from logging operations taxable under *The Logging Tax Act, 1950* (Bill No. 134.)

Subsection 3. Subsection 6*e* will allow deductions to be made from income for payments made by companies as special contributions to employees' pension plans to make them actuarially sound in the same way as is now allowed under *The Income Tax Act* (Canada).

BILL

An Act to amend The Corporations Tax Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of subsection 4 of section 14 of *The Corporations Tax Act, 1939* is repealed and the following substituted therefor:

1939,
c. 10, s. 14,
subs. 4,
cl. *d*, re-
enacted.

(*d*) An amount not exceeding \$900 paid by an incorporated company to or under an approved superannuation fund or plan in respect of services rendered during the fiscal year by each employee, officer or director of such company.

Contribu-
tions to
pension
funds.

(2) Subsection 4 of the said section 14, as amended by section 1 of *The Corporations Tax Amendment Act, 1939*, subsections 2, 3 and 4 of section 3 of *The Corporations Tax Amendment Act, 1947*, subsection 1 of section 3 of *The Corporations Tax Amendment Act, 1948* and subsections 2 and 3 of section 4 of *The Corporations Tax Amendment Act, 1949*, is further amended by adding thereto the following clause:

1939,
c. 10, s. 14,
subs. 4,
amended.

(*n*) An amount equal to the excess of the income of the incorporated company derived from logging operations in Ontario as defined in section 3 of *The Logging Tax Act, 1950* over \$10,000, such amount to be deducted from income of the fiscal year of the incorporated company for which tax calculated on such amount is payable under that Act.

Logging
profits.

1950, c. ...

(3) The said section 14, as amended by section 1 of *The Corporations Tax Amendment Act, 1939*, subsections 1, 2 and 4 of section 5 of *The Corporations Tax Amendment Act, 1941*, section 3 of *The Corporations Tax Amendment Act, 1947*, subsection 1 of section 3 of *The Corporations Tax Amendment Act, 1948*, and section 4 of *The Corporations Tax Amendment Act, 1949*, is further amended by adding thereto the following subsections:

1939,
c. 10, s. 14,
amended.

Special
contribu-
tions to
pension
funds.

(6e) Where an incorporated company has made a special payment or payments in Canada on account of an employees' superannuation or pension fund or plan in respect of the past services of employees pursuant to a recommendation by a qualified actuary in whose opinion the resources of the fund or plan required to be augmented by the amount of one or more special payments to ensure that all the obligations of the fund or plan to the employees may be discharged in full and has made the payment or payments so that it is or they are irrevocably vested in or for the fund or plan and the amount of the payment or payments so recommended to be made is approved by the Treasurer, an amount shall be deducted from income of the fiscal year equal to the lesser of,—

- (a) one-tenth of the whole amount so recommended to be paid; or
- (b) the amount by which the aggregate of the amounts so paid during all fiscal years ending with the fiscal year exceeds the aggregate of the amounts that were deductible under this subsection from income of the previous fiscal years of such company and of the amounts that, if this subsection had been in force with respect to fiscal years of companies ending in 1949 and previous fiscal years, would have been deductible from income of such fiscal years.

Idem.

(6f) In any case,—

- (a) where an amount has been recommended to be paid by an incorporated company on account of an employees' superannuation or pension fund or plan in respect of the past services of employees and such amount has been approved by the Treasurer under subsection 6e; and
- (b) where such company has made a special payment or payments on account thereof during the fiscal year of such company ending in 1949 and previous fiscal years; and
- (c) where the aggregate of the amounts that were deductible in respect thereof from income of such fiscal years of such company under clause *d* of subsection 4 of section 14 repealed

Subsection 6f is a transitional provision that will allow deductions to be made from income of portions of special payments made by companies to employees' pension funds in 1949 and prior years which to date have not been deductible.

SECTION 2—Subsection 1. Subsection 1 of section 18 of the Act, respecting penalties payable on default in filing returns, is re-enacted. As re-enacted it is the same in principle as the corresponding provision of *The Income Tax Act* (Canada). Subsection 2 of section 18 is obsolete, the subsection on which it depended being repealed in 1948.

Subsection 2. These amendments are made in order to bring the subsection into line with subsection 1 of section 17 of the Act.

by subsection 1 of section 1 of *The Corporations Tax Amendment Act, 1950* is less than the aggregate of the amounts that would have been deductible under subsection 6e if such subsection had been in force for such fiscal years,

the deficiency shall be deducted in five equal parts from the income of the fiscal years of such company ending in 1950 to 1954, and for the purpose of this subsection deductions from income of fiscal years of incorporated companies ending in 1941 to 1946 under clause *d* of subsection 4 of section 14 repealed by subsection 1 of section 1 of *The Corporations Tax Amendment Act, 1950* shall be deemed to have been made as though *The Corporations and Income Taxes Suspension Act, 1942* had not been in force.

2.—(1) Subsections 1 and 2 of section 18 of *The Corporations Tax Act, 1939* are repealed and the following substituted therefor:

1930,
c. 10, s. 18,
subs. 1,
re-enacted;
subs. 2,
repealed.

(1) When any company is in default in complying with subsection 1 of section 17, such company shall be liable to a penalty of,—

Penalty for
default.

(a) an amount equal to five per centum of the tax that was unpaid when the return was required to be filed, if the tax payable by the company for the fiscal year that was unpaid at that time was less than \$10,000; and

(b) \$500, if at the time the return was required to be filed, tax payable by the company equal to \$10,000 or more was unpaid.

(2) Subsection 3 of the said section 18 is amended by striking out the words "prescribed by the Lieutenant-Governor in Council" in the second and third lines and inserting in lieu thereof the words "to be delivered", so that the subsection shall read as follows:

1939,
c. 10, s. 18,
subs. 3,
amended.

(3) When any company fails to complete the information required on the return to be delivered under subsection 1 of section 17, such company shall be liable to a penalty of one per centum of the tax payable by it; provided that such penalty shall not in any case be less than \$1 and shall not in any case exceed \$20.

Failure to
complete
return.

1939,
c. 10, s. 20,
subs. 3
(1947,
c. 19, s. 6),
re-enacted.

3. Subsection 3 of section 20 of *The Corporations Tax Act, 1939*, as re-enacted by section 6 of *The Corporations Tax Amendment Act, 1947*, is repealed and the following substituted therefor:

Interest on
unpaid tax.

- (3) Where the amount paid on account of tax payable by a company for a fiscal year before the expiration of the time allowed for filing the return of the company under section 17 is less than the amount of tax payable for the fiscal year, the company liable to pay the tax shall pay interest on the difference between those two amounts from the expiration of the time for filing the return to the day of payment at the rate of six per centum per annum.

Idem.

- (4) Where a company being required by subsection 2 to pay a part or instalment of tax has failed to pay all or any part thereof as required, the company, in addition to the interest payable under subsection 3, shall pay interest on the amount the company failed to pay at six per centum per annum from the day on or before which the company was required to make the payment to the day of payment or the beginning of the period in respect of which the company becomes liable to pay interest thereon under subsection 3, whichever is earlier.

Idem.

- (5) For the purposes of subsection 4, the company shall be deemed to have been liable to pay a part or instalment under subsection 2 computed by reference to the tax payable for,—

(a) the last preceding fiscal year; or

(b) the fiscal year in respect of which the tax is payable,

whichever is lesser.

Limitation
on interest
period.

- (6) No interest under this section upon the amount by which the unpaid taxes exceeds the amount of taxes estimated to be payable in the return required to be filed under section 17 is payable in respect of the period beginning twenty months after the expiration of the time for filing the return or twenty months after the time the return was in fact filed, whichever was later, and ending thirty days from the date of the mailing of the notice of assessment.

1939,
c. 10, s. 21,
subs. 10,
amended.

4.—(1) Subsection 10 of section 21 of *The Corporations Tax Act, 1939*, as amended by subsection 1 of section 7 of *The Corporations Tax Amendment Act, 1947*, is further amended

SECTION 3. The provision respecting interest payable on taxes in default is revised. As revised it is the same in principle as the corresponding provision of *The Income Tax Act* (Canada).

SECTION 4—Subsection 1. See note to section 3 of this Bill. This amendment is complementary.

Subsection 2. See note to section 3 of this Bill. This amendment is complementary.

by striking out all the words after the word "assessment" in the sixth line, so that the subsection shall read as follows:

- (10) After examination of the return of the company, the Treasurer shall send a notice of assessment to such company verifying or altering the amount of tax as estimated in the return of the company and any additional tax found to be due over the estimated amount shall be paid within one month from the date of mailing of the notice of assessment. Notice of assessment.

- (2) Subsection 11 of the said section 21, as re-enacted by subsection 2 of section 7 of *The Corporations Tax Amendment Act, 1947*, is repealed. 1939, c. 10, s. 21, subs. 11 (1947, c. 19, s. 7, subs. 2), repealed.

5.—(1) This Act shall come into force on the day it receives the Royal Assent and, except subsection 2 of section 1, shall be effective with respect to fiscal years of companies ending in the calendar year 1950 and subsequent fiscal years. Commencement of Act, application.

- (2) Subsection 2 of section 1 shall be effective with respect to fiscal years of companies ending in the calendar year 1949 and subsequent fiscal years. Idem.

6. This Act may be cited as *The Corporations Tax Amendment Act, 1950*. Short title.

BILL.

An Act to amend The Corporations
Tax Act, 1939.

1st Reading

March 28th, 1950

2nd Reading

3rd Reading

MR. FROST

No. 135

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Corporations Tax Act, 1939.

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 135

1950

BILL

An Act to amend The Corporations Tax Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of subsection 4 of section 14 of *The Corporations Tax Act, 1939* is repealed and the following substituted therefor: 1939, c. 10, s. 14, subs. 4, cl. *d*, re-enacted.

(*d*) An amount not exceeding \$900 paid by an incorporated company to or under an approved superannuation fund or plan in respect of services rendered during the fiscal year by each employee, officer or director of such company. Contributions to pension funds.

(2) Subsection 4 of the said section 14, as amended by section 1 of *The Corporations Tax Amendment Act, 1939*, subsections 2, 3 and 4 of section 3 of *The Corporations Tax Amendment Act, 1947*, subsection 1 of section 3 of *The Corporations Tax Amendment Act, 1948* and subsections 2 and 3 of section 4 of *The Corporations Tax Amendment Act, 1949*, is further amended by adding thereto the following clause: 1939, c. 10, s. 14, subs. 4, amended.

(*n*) An amount equal to the excess of the income of the incorporated company derived from logging operations in Ontario as defined in section 3 of *The Logging Tax Act, 1950* over \$10,000, such amount to be deducted from income of the fiscal year of the incorporated company for which tax calculated on such amount is payable under that Act. Logging profits. 1950, c. ...

(3) The said section 14, as amended by section 1 of *The Corporations Tax Amendment Act, 1939*, subsections 1, 2 and 4 of section 5 of *The Corporations Tax Amendment Act, 1941*, section 3 of *The Corporations Tax Amendment Act, 1947*, subsection 1 of section 3 of *The Corporations Tax Amendment Act, 1948* and section 4 of *The Corporations Tax Amendment Act, 1949*, is further amended by adding thereto the following subsections: 1939, c. 10, s. 14, amended.

Special
contribu-
tions to
pension
funds.

(6e) Where an incorporated company has made a special payment or payments in Canada on account of an employees' superannuation or pension fund or plan in respect of the past services of employees pursuant to a recommendation by a qualified actuary in whose opinion the resources of the fund or plan required to be augmented by the amount of one or more special payments to ensure that all the obligations of the fund or plan to the employees may be discharged in full and has made the payment or payments so that it is or they are irrevocably vested in or for the fund or plan and the amount of the payment or payments so recommended to be made is approved by the Treasurer, an amount shall be deducted from income of the fiscal year equal to the lesser of,—

- (a) one-tenth of the whole amount so recommended to be paid; or
- (b) the amount by which the aggregate of the amounts so paid during all fiscal years ending with the fiscal year exceeds the aggregate of the amounts that were deductible under this subsection from income of the previous fiscal years of such company and of the amounts that, if this subsection had been in force with respect to fiscal years of companies ending in 1949 and previous fiscal years, would have been deductible from income of such fiscal years.

Idem.

(6f) In any case,—

- (a) where an amount has been recommended to be paid by an incorporated company on account of an employees' superannuation or pension fund or plan in respect of the past services of employees and such amount has been approved by the Treasurer under subsection 6e; and
- (b) where such company has made a special payment or payments on account thereof during the fiscal year of such company ending in 1949 and previous fiscal years; and
- (c) where the aggregate of the amounts that were deductible in respect thereof from income of such fiscal years of such company under clause d of subsection 4 of section 14 repealed

by subsection 1 of section 1 of *The Corporations Tax Amendment Act, 1950* is less than the aggregate of the amounts that would have been deductible under subsection 6e if such subsection had been in force for such fiscal years,

the deficiency shall be deducted in five equal parts from the income of the fiscal years of such company ending in 1950 to 1954, and for the purpose of this subsection deductions from income of fiscal years of incorporated companies ending in 1941 to 1946 under clause d of subsection 4 of section 14 repealed by subsection 1 of section 1 of *The Corporations Tax Amendment Act, 1950* shall be deemed to have been made as though *The Corporations and Income Taxes Suspension Act, 1942* had not been in force.

2.—(1) Subsections 1 and 2 of section 18 of *The Corporations Tax Act, 1939* are repealed and the following substituted therefor:

1939,
c. 10, s. 18,
subs. 1,
re-enacted;
subs. 2,
repealed.

(1) When any company is in default in complying with subsection 1 of section 17, such company shall be liable to a penalty of,—

Penalty for
default.

(a) an amount equal to five per centum of the tax that was unpaid when the return was required to be filed, if the tax payable by the company for the fiscal year that was unpaid at that time was less than \$10,000; and

(b) \$500, if at the time the return was required to be filed, tax payable by the company equal to \$10,000 or more was unpaid.

(2) Subsection 3 of the said section 18 is amended by striking out the words "prescribed by the Lieutenant-Governor in Council" in the second and third lines and inserting in lieu thereof the words "to be delivered", so that the subsection shall read as follows:

1939,
c. 10, s. 18,
subs. 3,
amended.

(3) When any company fails to complete the information required on the return to be delivered under subsection 1 of section 17, such company shall be liable to a penalty of one per centum of the tax payable by it; provided that such penalty shall not in any case be less than \$1 and shall not in any case exceed \$20.

Failure to
complete
return.

1939,
s. 10, s. 20,
subs. 3
)1947,
c. 19, s. 6),
re-enacted.

3. Subsection 3 of section 20 of *The Corporations Tax Act, 1939*, as re-enacted by section 6 of *The Corporations Tax Amendment Act, 1947*, is repealed and the following substituted therefor:

Interest on
unpaid tax.

- (3) Where the amount paid on account of tax payable by a company for a fiscal year before the expiration of the time allowed for filing the return of the company under section 17 is less than the amount of tax payable for the fiscal year, the company liable to pay the tax shall pay interest on the difference between those two amounts from the expiration of the time for filing the return to the day of payment at the rate of six per centum per annum.

Idem.

- (4) Where a company being required by subsection 2 to pay a part or instalment of tax has failed to pay all or any part thereof as required, the company, in addition to the interest payable under subsection 3, shall pay interest on the amount the company failed to pay at six per centum per annum from the day on or before which the company was required to make the payment to the day of payment or the beginning of the period in respect of which the company becomes liable to pay interest thereon under subsection 3, whichever is earlier.

Idem.

- (5) For the purposes of subsection 4, the company shall be deemed to have been liable to pay a part or instalment under subsection 2 computed by reference to the tax payable for,—

(a) the last preceding fiscal year; or

(b) the fiscal year in respect of which the tax is payable,

whichever is lesser.

Limitation
on interest
period.

- (6) No interest under this section upon the amount by which the unpaid taxes exceeds the amount of taxes estimated to be payable in the return required to be filed under section 17 is payable in respect of the period beginning twenty months after the expiration of the time for filing the return or twenty months after the time the return was in fact filed, whichever was later, and ending thirty days from the date of the mailing of the notice of assessment.

1939,
c. 10, s. 21,
subs. 10,
amended.

4.—(1) Subsection 10 of section 21 of *The Corporations Tax Act, 1939*, as amended by subsection 1 of section 7 of *The Corporations Tax Amendment Act, 1947*, is further amended

by striking out all the words after the word "assessment" in the sixth line, so that the subsection shall read as follows:

- (10) After examination of the return of the company, the Treasurer shall send a notice of assessment to such company verifying or altering the amount of tax as estimated in the return of the company and any additional tax found to be due over the estimated amount shall be paid within one month from the date of mailing of the notice of assessment. Notice of assessment.

- (2) Subsection 11 of the said section 21, as re-enacted by subsection 2 of section 7 of *The Corporations Tax Amendment Act, 1947*, is repealed. 1939, c. 10, s. 21, subs. 11 (1947, c. 19, s. 7, subs. 2), repealed.

5.—(1) This Act shall come into force on the day it receives the Royal Assent and, except subsection 2 of section 1, shall be effective with respect to fiscal years of companies ending in the calendar year 1950 and subsequent fiscal years. Commencement of Act, application.

- (2) Subsection 2 of section 1 shall be effective with respect to fiscal years of companies ending in the calendar year 1949 and subsequent fiscal years. Idem.

6. This Act may be cited as *The Corporations Tax Amendment Act, 1950*. Short title.

BILL

An Act to amend The Corporations
Tax Act, 1939.

1st Reading

March 28th, 1950

2nd Reading

April 4th, 1950

3rd Reading

April 6th, 1950

MR. FROST

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to express the Consent of the Legislature of Ontario to an
Alteration of the Limits of the Province.

MR. SCOTT (Peterborough)

EXPLANATORY NOTE

The description of the Ontario-Manitoba boundary in *The Ontario Boundaries Extension Act* (Canada) of 1912 was prepared from the best information available at that time.

The new description of the boundary is determined from its position as it has been surveyed on the ground. The amended description results in a slight increase in the territory of Ontario.

BILL

An Act to express the Consent of the Legislature
of Ontario to an Alteration of the
Limits of the Province.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The Legislature of Ontario hereby consents to an increase of the limits of the Province of Ontario by the Parliament of Canada so that section 2 of *The Ontario Boundaries Extension Act* (Canada) shall be read and construed as though the reference in that section to

Consent to
increase of
territory.
1912, c. 40
(Can.).

"the most eastern point of Island Lake, as shown in approximate latitude 53° 30' and longitude 93° 40' on the railway map of the Dominion of Canada published, on the scale of thirty-five miles to one inch, in the year one thousand nine hundred and eight, by the authority of the Minister of the Interior"

were a reference to

"the most eastern point of Island Lake, as fixed on the ground in the year 1930 by the erection of concrete monument number 295 of the Ontario-Manitoba Boundary survey and situated in about north latitude 53° 44' 19".42 and in about west longitude 93° 39' 14".91"

and as though the reference in that section to

"the point where the eighty-ninth meridian of west longitude intersects the southern shore of Hudson Bay"

were a reference to

"a point twenty-one and four-tenths feet due west astronomic from the point where the eighty-ninth meridian of west longitude intersects the southern shore of Hudson Bay, as the latter point was fixed by the Geodetic Survey of Canada in the year 1929".

2. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment of Act.

3. This Act may be cited as *The Ontario-Manitoba Boundary Act, 1950*.

Short title.

BILL

An Act to express the Consent of the
Legislature of Ontario to an Alteration of
the Limits of the Province.

1st Reading

March 29th, 1950

2nd Reading

3rd Reading

Mr. SCOTT (Peterborough)

No. 136

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to express the Consent of the Legislature of Ontario to an
Alteration of the Limits of the Province.

MR. SCOTT (Peterborough)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to express the Consent of the Legislature
of Ontario to an Alteration of the
Limits of the Province.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The Legislature of Ontario hereby consents to an increase of the limits of the Province of Ontario by the Parliament of Canada so that section 2 of *The Ontario Boundaries Extension Act* (Canada) shall be read and construed as though the reference in that section to

Consent to
increase of
territory.
1912, c. 40
(Can.).

"the most eastern point of Island Lake, as shown in approximate latitude 53° 30' and longitude 93° 40' on the railway map of the Dominion of Canada published, on the scale of thirty-five miles to one inch, in the year one thousand nine hundred and eight, by the authority of the Minister of the Interior"

were a reference to

"the most eastern point of Island Lake, as fixed on the ground in the year 1930 by the erection of concrete monument number 295 of the Ontario-Manitoba Boundary survey and situated in about north latitude 53° 44' 19".42 and in about west longitude 93° 39' 14".91"

and as though the reference in that section to

"the point where the eighty-ninth meridian of west longitude intersects the southern shore of Hudson Bay"

were a reference to

"a point twenty-one and four-tenths feet due west astronomic from the point where the eighty-ninth meridian of west longitude intersects the southern shore of Hudson Bay, as the latter point was fixed by the Geodetic Survey of Canada in the year 1929".

2. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment of Act.

3. This Act may be cited as *The Ontario-Manitoba Boundary Act, 1950*.

Short title.

BILL

An Act to express the Consent of the
Legislature of Ontario to an Alteration of
the Limits of the Province.

1st Reading

March 29th, 1950

2nd Reading

March 30th, 1950

3rd Reading

April 5th, 1950

Mr. SCOTT (Peterborough)

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Workmen's Compensation Act.

MR. DALEY

EXPLANATORY NOTES

SECTION 1. Subsection 2 of section 1 of the Act is clarified by removing doubt as to the application of Part I of the Act to a public library board. Opportunity is taken to improve the grouping of the bodies dealt with in the clauses.

SECTION 2. See note to sections 12 and 13.

SECTION 3. Subsection 6 as re-enacted makes it clear that an invalid child will continue to receive compensation so long as he remains an invalid and even after the parent has reached his expectancy of life. This is the law in some of the other provinces.

No. 137

1950

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Workmen's Compensation Act*, as amended by subsection 2 of section 1 of *The Workmen's Compensation Amendment Act, 1944*, is repealed and the following substituted therefor: Rev. Stat., c. 204, s. 1, subs. 2, re-enacted.

(2) The exercise and performance of the powers and duties of,— Municipal corporations etc., and school boards.

(a) a municipal corporation;

(b) a public utilities commission or any other commission or any board having the management and conduct of any work or service owned by or operated for a municipal corporation;

(c) a public library board;

(d) the board of trustees of a police village; and

(e) a school board except a rural school board,

shall for the purposes of Part I be deemed the trade or business of the corporation, commission, board, board of trustees or school board.

2. *The Workmen's Compensation Act* is amended by adding thereto the following section: Rev. Stat., c. 204, amended.

1a. A reference in this Act to Schedule 1, 2 or 3 is a reference to Schedule 1, 2 or 3, as the case may be, in the regulations. Schedules 1, 2 and 3.

3. Subsection 6 of section 35 of *The Workmen's Compensation Act* is repealed and the following substituted therefor: Rev. Stat., c. 204, s. 35, subs. 6, re-enacted.

Compensation to invalid child.

- (6) Compensation shall be payable to an invalid child without regard to the age of such child and shall continue until the child ceases to be an invalid or dies.

Rev. Stat., c. 204, s. 83, repealed.

4. Section 83 of *The Workmen's Compensation Act* is repealed.

Rev. Stat., c. 204, s. 84, subss. 2, 3, re-enacted.

5. Subsections 2 and 3 of section 84 of *The Workmen's Compensation Act* are repealed and the following substituted therefor:

Apportionment of burden of assessment to hazard of business, etc.

- (2) Where in the opinion of the Board the hazard to workmen in any of the industries embraced in a class is less than that in another or others of such industries, or where for any other reason it is deemed proper to do so, the Board may subdivide the class into sub-classes or groups and if that is done the Board may fix the percentages or proportions of the contributions to the accident fund which are to be payable by the employers in each sub-class or group.

Separate accounts to be kept for each class, sub-class or group.

- (3) Separate accounts shall be kept of the amounts collected and expended in respect of every class, sub-class or group, but for the purpose of paying compensation the accident fund shall, nevertheless, be deemed one and indivisible.

Rev. Stat., c. 204, s. 90, amended.

6. Section 90 of *The Workmen's Compensation Act*, as amended by section 8 of *The Workmen's Compensation Amendment Act, 1947*, is further amended by adding thereto the following subsection:

Statement to be furnished by employer.

- (1a) Where an industry coming within any of the classes for the time being included in Schedule 1 is established or commenced on or after the 1st day of January in the then current year, the employer shall forthwith notify the Board of the fact and prepare and transmit to the Board a statement of the amount which he estimates he will expend for wages for the remainder of the year and such other information as the Board may require, certified to be accurate in the manner prescribed by subsection 1.

Rev. Stat., c. 204, s. 98, subss. 2, amended.

7. Subsection 2 of section 98 of *The Workmen's Compensation Act* is amended by striking out the words "or sub-class" where they occur in the second and fourth lines respectively and inserting in lieu thereof the words "sub-class or group", so that the subsection shall read as follows:

Assessment need not be uniform.

- (2) It shall not be necessary that the assessment upon the employers in a class, sub-class or group shall be

SECTION 4. Section 83 of the Act, which deals with Schedules 1 and 2, is obsolete and is therefore repealed.

SECTION 5. Where a class is divided in accordance with subsection 2 of section 84 of the Act, the sub-divisions according to the present provision are to be known as "sub-classes". However it is a well-established custom to refer to the sub-classes as "groups". The subsections as re-enacted give statutory recognition to this practice.

SECTION 6. Subsection 1a takes the place of section 110 which is repealed by section 9 of this Bill. There is no change in principle. The only change is that the provision is clarified and placed in a more logical position in the Act.

SECTION 7. See note to section 5 of this Bill. This amendment is complementary.

SECTION 8. The reference to section 110 is deleted as section 110 is repealed by section 9 of this Bill.

SECTION 9. See note to section 6 of this Bill.

SECTION 10. Self-explanatory.

SECTION 11. Specific references are deleted and a general reference substituted in order to avoid the necessity of amending this item of the Schedule each time subsection 2 of section 1 of the Act is amended. See note to section 1 of this Bill.

SECTIONS 2, 12 and 13. Schedule 1 of *The Workmen's Compensation Act* sets out the industries in which the employers are liable to contribute to the accident fund, and are not liable individually to pay compensation—section 4.

Schedule 2 sets out the industries in which the employers are individually liable to pay compensation and medical aid—section 3.

Schedule 3 contains a list of diseases and a list of processes. For its function see section 115 (8) of the Act.

The Act provides that these Schedules may be amended and otherwise dealt with by the Board subject to the approval of the Lieutenant-Governor in Council—sections 84-88.

The result is that parts of the Schedules are in the Act and parts in the regulations made under the Act, e.g., parts are to be found in the statute books and parts in *The Ontario Gazette*. This is obviously unsatisfactory.

Sections 2, 12 and 13 of the Bill provide for the deletion of the Schedules from the Act and their inclusion in the regulations in up-to-date form, but the present situation carries on until the new set-up is ready to take over.

uniform, but they may be fixed or graded in relation to the hazard of each or of any of the industries included in the class, sub-class or group.

8. Subsection 1 of section 107 of *The Workmen's Compensation Act* is amended by striking out the word and figures "or 110" in the fourth line, so that the subsection shall read as follows: Rev. Stat., c. 204, s. 107, subs. 1, amended.

- (1) Any employer who refuses or neglects to make or transmit any pay roll, return or other statement required to be furnished by him under the provisions of section 90, or who refuses or neglects to pay any assessment or special or supplementary assessment or the provisional amount of any assessment, or any instalment or part thereof, shall, in addition to any penalty or other liability to which he may be subject, pay to the Board the full amount or capitalized value, as determined by the Board, of the compensation and medical aid payable in respect of any accident to a workman in his employ which happens during the period of such default, and the payment of such amount may be enforced in the same manner as the payment of an assessment may be enforced. Failure to make return or pay assessment.

9. Section 110 of *The Workmen's Compensation Act* is repealed. Rev. Stat., c. 204, s. 110, repealed.

10. Section 115 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection: Rev. Stat., c. 204, s. 115, amended.

- (16) The Board, subject to the approval of the Lieutenant-Governor in Council, may declare any disease to be an industrial disease and may amend Schedule 3 accordingly. Additional industrial diseases.

11. Item 1 of Schedule 2 of *The Workmen's Compensation Act*, as amended by subsection 1 of section 11 of *The Workmen's Compensation Amendment Act, 1944*, is repealed and the following substituted therefor: Rev. Stat., c. 204, Sched. 2, item 1, re-enacted.

1. Any trade or business within the meaning of subsection 2 of section 1 of the Act.

12. Schedule 1, Schedule 2 as amended by section 11 of *The Workmen's Compensation Amendment Act, 1944*, and Schedule 3 as amended by section 5 of *The Workmen's Compensation Amendment Act, 1942*, of *The Workmen's Compensation Act* are repealed. Rev. Stat., c. 204, Scheds. 1, 2, 3, repealed.

13. The Workmen's Compensation Board is hereby authorized to make, subject to the approval of the Lieutenant-Governor in Council, a consolidation and revision of Schedules 1, 2 and 3 of *The Workmen's Compensation Act* in the form of regulations. Revision of Scheds. 1, 2, 3, authorized.

1920,
c. 43, s. 12,
repealed.

14.—(1) Section 12 of *The Workmen's Compensation Act, 1920* is repealed.

1948,
c. 99, s. 3,
subs. 3,
amended.

(2) Subsection 3 of section 3 of *The Workmen's Compensation Amendment Act, 1948* is amended by striking out the words "in the amount of compensation payable under *The Workmen's Compensation Act*" in the first and second lines and inserting in lieu thereof the words "of compensation provided for in this Act", so that the subsection shall read as follows:

When
increases
to apply.

(3) The increases of compensation provided for in this Act in cases of injury resulting in death shall apply to all pension payments accruing after the coming into effect of this section, whether the accident happened before or happens after that date, and whether the award of compensation was made before or is made after that date, but nothing in this section shall entitle any person to claim additional compensation for any period prior to the coming into effect of this section.

Commence-
ment.

15.—(1) This Act, except sections 2 and 12, shall come into force on the day it receives the Royal Assent.

Idem.

(2) Sections 2 and 12 shall come into force on the day the consolidation and revision of Schedules 1, 2 and 3 of *The Workmen's Compensation Act* is published under *The Regulations Act, 1944*.

1944, c. 52.

Short title.

16. This Act may be cited as *The Workmen's Compensation Amendment Act, 1950*.

SECTION 14.—Subsection 1. Section 12 was left unconsolidated and unrepealed in the 1927 revision of the Statutes and may now be in conflict with subsection 3 of section 3 of *The Workmen's Compensation Amendment Act, 1948*. It is therefore repealed.

Subsection 2. Subsection 3 of section 3 of the Act is amended to clarify the intention of the section. It was not intended that the increases in benefits should apply retroactively which may be the effect of the present section. The words "in the amount of compensation payable under *The Workmen's Compensation Act*" were put in by mistake and are therefore struck out and the words "of compensation provided for in this Act" substituted.

BILL

An Act to amend The Workmen's
Compensation Act.

1st Reading

March 29th, 1950

2nd Reading

3rd Reading

MR. DALEY

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Workmen's Compensation Act.

MR. DALEY

No. 137

1950

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Workmen's Compensation Act*, as amended by subsection 2 of section 1 of *The Workmen's Compensation Amendment Act, 1944*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 204, s. 1,
subs. 2,
re-enacted.

(2) The exercise and performance of the powers and duties of,—

Municipal
corporations
etc., and
school
boards.

(a) a municipal corporation;

(b) a public utilities commission or any other commission or any board having the management and conduct of any work or service owned by or operated for a municipal corporation;

(c) a public library board;

(d) the board of trustees of a police village; and

(e) a school board except a rural school board,

shall for the purposes of Part I be deemed the trade or business of the corporation, commission, board, board of trustees or school board.

2. *The Workmen's Compensation Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 204,
amended.

1a. A reference in this Act to Schedule 1, 2 or 3 is a reference to Schedule 1, 2 or 3, as the case may be, in the regulations.

Schedules
1, 2 and 3.

3. Subsection 6 of section 35 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 204, s. 35,
subs. 6,
re-enacted.

Compensation to invalid child.

- (6) Compensation shall be payable to an invalid child without regard to the age of such child and shall continue until the child ceases to be an invalid or dies.

Rev. Stat., c. 204, s. 83, repealed.

4. Section 83 of *The Workmen's Compensation Act* is repealed.

Rev. Stat., c. 204, s. 84, subss. 2, 3, re-enacted.

5. Subsections 2 and 3 of section 84 of *The Workmen's Compensation Act* are repealed and the following substituted therefor:

Apportionment of burden of assessment to hazard of business, etc.

- (2) Where in the opinion of the Board the hazard to workmen in any of the industries embraced in a class is less than that in another or others of such industries, or where for any other reason it is deemed proper to do so, the Board may subdivide the class into sub-classes or groups and if that is done the Board may fix the percentages or proportions of the contributions to the accident fund which are to be payable by the employers in each sub-class or group.

Separate accounts to be kept for each class, sub-class or group.

- (3) Separate accounts shall be kept of the amounts collected and expended in respect of every class, sub-class or group, but for the purpose of paying compensation the accident fund shall, nevertheless, be deemed one and indivisible.

Rev. Stat., c. 204, s. 90, amended.

6. Section 90 of *The Workmen's Compensation Act*, as amended by section 8 of *The Workmen's Compensation Amendment Act, 1947*, is further amended by adding thereto the following subsection:

Statement to be furnished by employer.

- (1a) Where an industry coming within any of the classes for the time being included in Schedule 1 is established or commenced on or after the 1st day of January in the then current year, the employer shall forthwith notify the Board of the fact and prepare and transmit to the Board a statement of the amount which he estimates he will expend for wages for the remainder of the year and such other information as the Board may require, certified to be accurate in the manner prescribed by subsection 1.

Rev. Stat., c. 204, s. 98, subss. 2, amended.

7. Subsection 2 of section 98 of *The Workmen's Compensation Act* is amended by striking out the words "or sub-class" where they occur in the second and fourth lines respectively and inserting in lieu thereof the words "sub-class or group", so that the subsection shall read as follows:

Assessment need not be uniform.

- (2) It shall not be necessary that the assessment upon the employers in a class, sub-class or group shall be

uniform, but they may be fixed or graded in relation to the hazard of each or of any of the industries included in the class, sub-class or group.

8. Subsection 1 of section 107 of *The Workmen's Compensation Act* is amended by striking out the word and figures "or 110" in the fourth line, so that the subsection shall read as follows: Rev. Stat., c. 204, s. 107, subs. 1, amended.

- (1) Any employer who refuses or neglects to make or transmit any pay roll, return or other statement required to be furnished by him under the provisions of section 90, or who refuses or neglects to pay any assessment or special or supplementary assessment or the provisional amount of any assessment, or any instalment or part thereof, shall, in addition to any penalty or other liability to which he may be subject, pay to the Board the full amount or capitalized value, as determined by the Board, of the compensation and medical aid payable in respect of any accident to a workman in his employ which happens during the period of such default, and the payment of such amount may be enforced in the same manner as the payment of an assessment may be enforced. Failure to make return or pay assessment.

9. Section 110 of *The Workmen's Compensation Act* is repealed. Rev. Stat., c. 204, s. 110, repealed.

10. Section 115 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection: Rev. Stat., c. 204, s. 115, amended.

- (16) The Board, subject to the approval of the Lieutenant-Governor in Council, may declare any disease to be an industrial disease and may amend Schedule 3 accordingly. Additional industrial diseases.

11. Item 1 of Schedule 2 of *The Workmen's Compensation Act*, as amended by subsection 1 of section 11 of *The Workmen's Compensation Amendment Act, 1944*, is repealed and the following substituted therefor: Rev. Stat., c. 204, Sched. 2, item 1, re-enacted.

1. Any trade or business within the meaning of subsection 2 of section 1 of the Act.

12. Schedule 1, Schedule 2 as amended by section 11 of *The Workmen's Compensation Amendment Act, 1944*, and Schedule 3 as amended by section 5 of *The Workmen's Compensation Amendment Act, 1942*, of *The Workmen's Compensation Act* are repealed. Rev. Stat., c. 204, Scheds. 1, 2, 3, repealed.

13. The Workmen's Compensation Board is hereby authorized to make, subject to the approval of the Lieutenant-Governor in Council, a consolidation and revision of Schedules 1, 2 and 3 of *The Workmen's Compensation Act* in the form of regulations. Revision of Scheds. 1, 2, 3, authorized.

1920,
c. 43, s. 12,
repealed.

14.—(1) Section 12 of *The Workmen's Compensation Act, 1920* is repealed.

1948,
c. 99, s. 3,
subs. 3,
amended.

(2) Subsection 3 of section 3 of *The Workmen's Compensation Amendment Act, 1948* is amended by striking out the words "in the amount of compensation payable under *The Workmen's Compensation Act*" in the first and second lines and inserting in lieu thereof the words "of compensation provided for in this Act", so that the subsection shall read as follows:

When
increases
to apply.

(3) The increases of compensation provided for in this Act in cases of injury resulting in death shall apply to all pension payments accruing after the coming into effect of this section, whether the accident happened before or happens after that date, and whether the award of compensation was made before or is made after that date, but nothing in this section shall entitle any person to claim additional compensation for any period prior to the coming into effect of this section.

Commence-
ment.

15.—(1) This Act, except sections 2 and 12, shall come into force on the day it receives the Royal Assent.

Idem.

(2) Sections 2 and 12 shall come into force on the day the consolidation and revision of Schedules 1, 2 and 3 of *The Workmen's Compensation Act* is published under *The Regulations Act, 1944*.

1944, c. 52.

Short title.

16. This Act may be cited as *The Workmen's Compensation Amendment Act, 1950*.

An Act to amend The Workmen's
Compensation Act.

1st Reading

March 29th, 1950

2nd Reading

March 30th, 1950

3rd Reading

April 5th, 1950

MR. DALEY

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Sanatoria for Consumptives Act, 1947.

MR. GOODFELLOW

EXPLANATORY NOTE

The amendments are complementary to Bill No. 114 *An Act to amend The Hospitals Tax Act, 1948* and the references to the Hospitals Aid Fund are deleted.

BILL

An Act to amend The Sanatoria for Consumptives Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Sanatoria for Consumptives Act, 1947*, as amended by section 1 of *The Sanatoria for Consumptives Amendment Act, 1949*, is further amended by striking out the words "or out of the fund established under *The Hospitals Aid Act, 1948*" in the amendment of 1949, so that the clause shall read as follows:

(*k*) "provincial aid" shall mean aid granted to a sanatorium out of moneys appropriated for the purpose by the Legislature.

2. Section 44 of *The Sanatoria for Consumptives Act, 1947*, as re-enacted by section 2 of *The Sanatoria for Consumptives Amendment Act, 1949*, is repealed and the following substituted therefor:

44. The Minister may, out of any moneys appropriated by the Legislature for the purpose,—

- (*a*) pay provincial aid to any sanatorium; and
- (*b*) make payments for the treatment outside a sanatorium of any person suffering from tuberculosis and for the post-sanatorium care of any former patient,

in such amounts, in such manner and at such times as may be prescribed by the regulations.

3. This Act shall be deemed to have come into force on the 1st day of April, 1950.

4. This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1950*.

An Act to amend The Sanatoria for
Consumptives Act, 1947.

1st Reading

March 30th, 1950

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 138

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Sanatoria for Consumptives Act, 1947.

MR. GOODFELLOW

TORONTO
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Sanatoria for Consumptives Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Sanatoria for Consumptives Act, 1947*, as amended by section 1 of *The Sanatoria for Consumptives Amendment Act, 1949*, is further amended by striking out the words "or out of the fund established under *The Hospitals Aid Act, 1948*" in the amendment of 1949, so that the clause shall read as follows:

(*k*) "provincial aid" shall mean aid granted to a sanatorium out of moneys appropriated for the purpose by the Legislature.

2. Section 44 of *The Sanatoria for Consumptives Act, 1947*, as re-enacted by section 2 of *The Sanatoria for Consumptives Amendment Act, 1949*, is repealed and the following substituted therefor:

44. The Minister may, out of any moneys appropriated by the Legislature for the purpose,—

(*a*) pay provincial aid to any sanatorium; and

(*b*) make payments for the treatment outside a sanatorium of any person suffering from tuberculosis and for the post-sanatorium care of any former patient,

in such amounts, in such manner and at such times as may be prescribed by the regulations.

3. This Act shall be deemed to have come into force on the 1st day of April, 1950.

4. This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1950*.

An Act to amend The Sanatoria for
Consumptives Act, 1947.

1st Reading

March 30th, 1950

2nd Reading

April 4th, 1950

3rd Reading

April 6th, 1950

MR. GOODFELLOW

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Public Hospitals Act.

MR. GOODFELLOW

EXPLANATORY NOTE

The amendments are complementary to Bill No. 114, An Act to amend *The Hospitals Tax Act, 1948*. *The Hospitals Aid Act, 1948* is repealed and the remaining provisions dealing with provincial aid to hospitals and payments by municipalities for hospital care of indigent residents are included in *The Public Hospitals Act*. The payments by municipalities with regard to indigent persons are increased to financially assist public hospitals.

The moneys now in the Hospital Aid Fund are transferred to the Consolidated Revenue Fund.

BILL

An Act to amend The Public Hospitals Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Hospitals Act*, as amended by Rev. Stat., c. 390, s. 1, amended. subsection 1 of section 20 of *The Statute Law Amendment Act, 1938* and paragraph 1 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by adding thereto the following clause:

(j) "Provincial aid" shall mean aid granted to a hospital out of moneys appropriated for the purpose by the Legislature. "Provincial aid".

2. Section 4 of *The Public Hospitals Act*, as amended by Rev. Stat., c. 390, s. 4, amended. section 28 of *The Statute Law Amendment Act, 1942* and paragraphs 2 and 3 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by adding thereto the following clause:

(h) prescribing the classes of grants by way of provincial aid and the methods of determining the amounts of grants and providing for the manner and times of payment and the suspension and withholding of grants and for the making of deductions from grants. Provincial aid.

3. Section 10 of *The Public Hospitals Act*, as amended by Rev. Stat., c. 390, s. 10, amended. paragraph 4 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by inserting after the word "aid" in the third line the words "under this Act", so that the section shall read as follows:

10. Subject to the provisions of any existing agreement relating thereto, every hospital, other than a hospital for incurables, receiving provincial aid under this Act shall provide such reasonable facilities for giving instruction to medical students of any university as may be required by the regulations. Medical students' clinics.

Rev. Stat.,
c. 390,
amended.

4. *The Public Hospitals Act* is amended by adding thereto the following section:

Municipal
liability
for indigent
persons.

16. When any patient in a hospital is an indigent person or a dependant of an indigent person, the municipality in which such person was resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at the following rates:

(a) in the case of a hospital which in the regulations is classed as a Group A hospital, at the rate of \$4 per day; and

(b) in the case of a hospital which in the regulations is classed as a Group B hospital, at the rate of \$3.50 per day;

(c) in the case of a hospital which in the regulations is classed as a Group C or Group D hospital, at the rate of \$3 per day; and

(d) in the case of all other hospitals, at the rate of \$2.50 per day.

Rev. Stat.,
c. 390, s. 17,
amended.

5. Section 17 of *The Public Hospitals Act*, as amended by paragraph 6 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by adding at the end thereof the words "in lieu of under this Act", so that the section shall read as follows:

Municipal
agreements
as to
indigents.

17. With the approval of the Minister, a municipality may enter into an annual agreement with a hospital respecting the admission and treatment of all indigent persons and dependants of indigent persons residents in such municipality, and in such case the liability of the municipality to such hospital shall be determined according to such agreement in lieu of under this Act.

Rev. Stat.,
c. 390, s. 21,
amended.

6. Section 21 of *The Public Hospitals Act*, as amended by paragraph 7 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by adding at the end thereof the words "as provided for in this Act", so that the section shall read as follows:

Notice dis-
puting
liability.

21. Unless the clerk of a municipality within twenty days after the date of mailing any such notice to him, shall by registered letter notify the superintendent from whom such notice was received that the patient referred to therein was not a resident in the

municipality at the time of admission as a patient or is not an indigent person or a dependant of an indigent person, such municipality shall be liable for the charges for treatment of such patient as provided for in this Act.

7.—(1) Subsection 1 of section 24 of *The Public Hospitals Act*, as amended by paragraph 8 of section 5 of *The Hospitals Aid Act, 1948* and section 2 of *The Public Hospitals Amendment Act, 1949*, is further amended by inserting after the word “liable” in the amendment of 1949 the words “under this Act”, so that the subsection shall read as follows:

Rev. Stat.,
c. 390, s. 24,
subs. 1,
amended.

- (1) Where the corporation of a county has not made an agreement under the provisions of section 17, it shall have the right to recover not exceeding one-half of the charges paid by it in respect to treatment in a hospital of any patient for which it is liable under this Act from the corporation of the township, town or village forming a part of the county in which such patient was a resident at the time of admission.

County's
right to
contribu-
tion.

(2) Subsection 1c of section 24 of *The Public Hospitals Act*, as enacted by section 3 of *The Public Hospitals Amendment Act, 1940* and amended by paragraph 9 of section 5 of *The Public Hospitals Aid Act, 1948*, is further amended by adding at the end thereof the words “as provided for in this Act”, so that the subsection shall read as follows:

Rev. Stat.,
c. 390, s. 24,
subs. 1c
(1940,
c. 23, s. 3),
amended.

- (1c) Upon the failure of the clerk of a local municipality to comply with the provisions of subsection 1b, such local municipality shall be liable to the county for the charges for treatment of the patient in respect of whom the information is requested, as provided for in this Act.

Liability
of local
municipality.

8. Section 26 of *The Public Hospitals Act*, as amended by paragraph 10 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by inserting after the word “liable” in the third line and after the word “paid” in the tenth line respectively the words “under this Act”, so that the section shall read as follows:

Rev. Stat.,
c. 390, s. 26,
amended.

26. When a patient in a hospital other than a hospital for incurables for the charges for whose treatment a municipality is liable under this Act, is certified in accordance with the regulations to be an incurable person, the hospital may require of the municipality liable that such patient be removed from the hospital within seven days after notice has been given by registered letter to the clerk thereof, and failing

Incurable
persons in
hospitals.

which removal the hospital shall be entitled to charge the municipality liable, twenty-five cents per day in addition to any other charges provided to be paid under this Act while such patient remains in the hospital.

Rev. Stat.,
c. 390, s. 28,
amended.

9. Section 28 of *The Public Hospitals Act*, as amended by paragraph 11 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by inserting after the word "when" in the first line the words "under this Act", so that the section shall read as follows:

Statements
of account
to be
rendered.

28. When under this Act the charges for treatment of any patient or for burial expenses of a deceased patient are payable by a municipality the hospital to which such patient was admitted shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof and if the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction.

Rev. Stat.,
c. 390,
amended.

10. *The Public Hospitals Act* is amended by adding thereto the following section:

Grants to
hospitals.

32. The Minister may, out of such moneys as may be appropriated by the Legislature for the purpose, pay grants to hospitals by way of provincial aid in such amounts, in such manner and at such times as may be prescribed by the regulations.

1948, c. 40;
1949, c. 42,
repealed.

11. *The Hospitals Aid Act, 1948* and *The Hospitals Aid Amendment Act, 1949* are repealed.

Transfer of
money from
Hospital
Aid Fund.

12. All moneys in the Hospital Aid Fund, established under *The Hospitals Aid Act, 1948*, shall be transferred to and form part of the Consolidated Revenue Fund.

Commence-
ment of Act.

13. This Act shall be deemed to have come into force on the 1st day of April, 1950.

Short title.

14. This Act may be cited as *The Public Hospitals Amendment Act, 1950*.

An Act to amend The Public
Hospitals Act.

1st Reading

March 30th, 1950

2nd Reading

3rd Reading

MR. GOODFELLOW

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Public Hospitals Act.

MR. GOODFELLOW

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTE

The amendments are complementary to Bill No. 114, An Act to amend *The Hospitals Tax Act, 1948*. *The Hospitals Aid Act, 1948* is repealed and the remaining provisions dealing with provincial aid to hospitals and payments by municipalities for hospital care of indigent residents are included in *The Public Hospitals Act*. The payments by municipalities with regard to indigent persons are increased to financially assist public hospitals.

The moneys now in the Hospital Aid Fund are transferred to the Consolidated Revenue Fund.

No. 139

1950

BILL

An Act to amend The Public Hospitals Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Hospitals Act*, as amended by Rev. Stat., subsection 1 of section 20 of *The Statute Law Amendment Act*,^{c. 390, s. 1, amended.} 1938 and paragraph 1 of section 5 of *The Hospitals Aid Act*, 1948, is further amended by adding thereto the following clause:

(j) "Provincial aid" shall mean aid granted to a hospital "Provincial aid".
out of moneys appropriated for the purpose by the
Legislature.

2. Section 4 of *The Public Hospitals Act*, as amended by Rev. Stat., section 28 of *The Statute Law Amendment Act*, 1942 and^{c. 390, s. 4, amended.} paragraphs 2 and 3 of section 5 of *The Hospitals Aid Act*, 1948, is further amended by adding thereto the following clause:

(h) prescribing the classes of grants by way of provincial^{Provincial aid.}
aid and the methods of determining the amounts
of grants and providing for the manner and times of
payment and the suspension and withholding of
grants and for the making of deductions from grants.

3. Section 10 of *The Public Hospitals Act*, as amended by Rev. Stat., paragraph 4 of section 5 of *The Hospitals Aid Act*, 1948, is^{c. 390, s. 10, amended.} further amended by inserting after the word "aid" in the third line the words "under this Act", so that the section shall read as follows:

10. Subject to the provisions of any existing agreement^{Medical students' clinics.}
relating thereto, every hospital, other than a hospital
for incurables, receiving provincial aid under this
Act shall provide such reasonable facilities for giving
instruction to medical students of any university
as may be required by the regulations.

Rev. Stat.,
c. 390,
amended.

4. *The Public Hospitals Act* is amended by adding thereto the following section:

Municipal
liability
for indigent
persons up to
January 1st,
1951.

16.—(1) Up to and including the 31st day of December, 1950, when any patient in a hospital is an indigent person or a dependant of an indigent person, the municipality in which such person was resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at the following rates:

- (a) in the case of a hospital which in the regulations is classed as a Group A hospital, at the rate of \$3 per day;
- (b) in the case of a hospital which in the regulations is classed as a Group B hospital, at the rate of \$2.50 per day;
- (c) in the case of all other hospitals, at the rate of \$2.25 per day.

Municipal
liability
for indigent
persons on
and after
January 1st,
1951.

(2) On and after the 1st day of January, 1951, when any patient in a hospital is an indigent person or a dependant of an indigent person, the municipality in which such person was resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at the following rates:

- (a) in the case of a hospital which in the regulations is classed as Group A hospital, at the rate of \$4 per day;
- (b) in the case of a hospital which in the regulations is classed as a Group B hospital, at the rate of \$3.50 per day;
- (c) in the case of a hospital which in the regulations is classed as a Group C or Group D hospital, at the rate of \$3 per day;
- (d) in the case of all other hospitals, at the rate of \$2.50 per day.

Rev. Stat.,
c. 390, s. 17,
amended.

5. Section 17 of *The Public Hospitals Act*, as amended by paragraph 6 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by adding at the end thereof the words "in lieu of under this Act", so that the section shall read as follows:

17. With the approval of the Minister, a municipality may enter into an annual agreement with a hospital respecting the admission and treatment of all indigent persons and dependants of indigent persons residents in such municipality, and in such case the liability of the municipality to such hospital shall be determined according to such agreement in lieu of under this Act. Municipal agreements as to indigents.

6. Section 21 of *The Public Hospitals Act*, as amended by paragraph 7 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by adding at the end thereof the words "as provided for in this Act", so that the section shall read as follows: Rev. Stat., c. 390, s. 21, amended.

21. Unless the clerk of a municipality within twenty days after the date of mailing any such notice to him, shall by registered letter notify the superintendent from whom such notice was received that the patient referred to therein was not a resident in the municipality at the time of admission as a patient or is not an indigent person or a dependant of an indigent person, such municipality shall be liable for the charges for treatment of such patient as provided for in this Act. Notice disputing liability.

7.—(1) Subsection 1 of section 24 of *The Public Hospitals Act*, as amended by paragraph 8 of section 5 of *The Hospitals Aid Act, 1948* and section 2 of *The Public Hospitals Amendment Act, 1949*, is further amended by inserting after the word "liable" in the amendment of 1949 the words "under this Act", so that the subsection shall read as follows: Rev. Stat., c. 390, s. 24, subs. 1, amended.

- (1) Where the corporation of a county has not made an agreement under the provisions of section 17, it shall have the right to recover not exceeding one-half of the charges paid by it in respect to treatment in a hospital of any patient for which it is liable under this Act from the corporation of the township, town or village forming a part of the county in which such patient was a resident at the time of admission. County's right to contribution.

(2) Subsection 1c of section 24 of *The Public Hospitals Act*, as enacted by section 3 of *The Public Hospitals Amendment Act, 1940* and amended by paragraph 9 of section 5 of *The Public Hospitals Aid Act, 1948*, is further amended by adding at the end thereof the words "as provided for in this Act", so that the subsection shall read as follows: Rev. Stat., c. 390, s. 24, subs. 1c (1940), c. 23, s. 3, amended.

- (1c) Upon the failure of the clerk of a local municipality to comply with the provisions of subsection 1b, such Liability of local municipality.

local municipality shall be liable to the county for the charges for treatment of the patient in respect of whom the information is requested, as provided for in this Act.

Rev. Stat.,
c. 390, s. 26,
amended.

8. Section 26 of *The Public Hospitals Act*, as amended by paragraph 10 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by inserting after the word "liable" in the third line and after the word "paid" in the tenth line respectively the words "under this Act", so that the section shall read as follows:

Incurable
persons in
hospitals.

26. When a patient in a hospital other than a hospital for incurables for the charges for whose treatment a municipality is liable under this Act, is certified in accordance with the regulations to be an incurable person, the hospital may require of the municipality liable that such patient be removed from the hospital within seven days after notice has been given by registered letter to the clerk thereof, and failing which removal the hospital shall be entitled to charge the municipality liable, twenty-five cents per day in addition to any other charges provided to be paid under this Act while such patient remains in the hospital.

Rev. Stat.,
c. 390, s. 28,
amended.

9. Section 28 of *The Public Hospitals Act*, as amended by paragraph 11 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by inserting after the word "when" in the first line the words "under this Act", so that the section shall read as follows:

Statements
of account
to be
rendered.

28. When under this Act the charges for treatment of any patient or for burial expenses of a deceased patient are payable by a municipality the hospital to which such patient was admitted shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof and if the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction.

Rev. Stat.,
c. 390,
amended.

10. *The Public Hospitals Act* is amended by adding thereto the following section:

Grants to
hospitals.

32. The Minister may, out of such moneys as may be appropriated by the Legislature for the purpose, pay grants to hospitals by way of provincial aid in such amounts, in such manner and at such times as may be prescribed by the regulations.

11. *The Hospitals Aid Act, 1948* and *The Hospitals Aid Amendment Act, 1949* are repealed. 1948, c. 40;
1949, c. 42,
repealed.

12. All moneys in the Hospital Aid Fund, established under *The Hospitals Aid Act, 1948*, shall be transferred to and form part of the Consolidated Revenue Fund. Transfer of
money from
Hospital
Aid Fund.

13. This Act shall be deemed to have come into force on the 1st day of April, 1950. Commence-
ment of Act.

14. This Act may be cited as *The Public Hospitals Amendment Act, 1950*. Short title.

BILL

An Act to amend The Public
Hospitals Act.

1st Reading

March 30th, 1950

2nd Reading

April 4th, 1950

3rd Reading

MR. GOODFELLOW

*(Reprinted as amended in Committee of
the Whole House.)*

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Public Hospitals Act.

MR. GOODFELLOW

No. 139

1950

BILL

An Act to amend The Public Hospitals Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Hospitals Act*, as amended by subsection 1 of section 20 of *The Statute Law Amendment Act, 1938* and paragraph 1 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by adding thereto the following clause:

Rev. Stat.,
c. 390, s. 1,
amended.

- (j) "Provincial aid" shall mean aid granted to a hospital out of moneys appropriated for the purpose by the Legislature.

2. Section 4 of *The Public Hospitals Act*, as amended by section 28 of *The Statute Law Amendment Act, 1942* and paragraphs 2 and 3 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by adding thereto the following clause:

Rev. Stat.,
c. 390, s. 4,
amended.

- (h) prescribing the classes of grants by way of provincial aid and the methods of determining the amounts of grants and providing for the manner and times of payment and the suspension and withholding of grants and for the making of deductions from grants.

Provincial
aid.

3. Section 10 of *The Public Hospitals Act*, as amended by paragraph 4 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by inserting after the word "aid" in the third line the words "under this Act", so that the section shall read as follows:

Rev. Stat.,
c. 390, s. 10,
amended.

10. Subject to the provisions of any existing agreement relating thereto, every hospital, other than a hospital for incurables, receiving provincial aid under this Act shall provide such reasonable facilities for giving instruction to medical students of any university as may be required by the regulations.

Medical
students'
clinics.

Rev. Stat.,
c. 390,
amended.

4. *The Public Hospitals Act* is amended by adding thereto the following section:

Municipal
liability
for indigent
persons up to
January 1st,
1951.

16.—(1) Up to and including the 31st day of December, 1950, when any patient in a hospital is an indigent person or a dependant of an indigent person, the municipality in which such person was resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at the following rates:

- (a) in the case of a hospital which in the regulations is classed as a Group A hospital, at the rate of \$3 per day;
- (b) in the case of a hospital which in the regulations is classed as a Group B hospital, at the rate of \$2.50 per day;
- (c) in the case of all other hospitals, at the rate of \$2.25 per day.

Municipal
liability
for indigent
persons on
and after
January 1st,
1951.

(2) On and after the 1st day of January, 1951, when any patient in a hospital is an indigent person or a dependant of an indigent person, the municipality in which such person was resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at the following rates:

- (a) in the case of a hospital which in the regulations is classed as Group A hospital, at the rate of \$4 per day;
- (b) in the case of a hospital which in the regulations is classed as a Group B hospital, at the rate of \$3.50 per day;
- (c) in the case of a hospital which in the regulations is classed as a Group C or Group D hospital, at the rate of \$3 per day;
- (d) in the case of all other hospitals, at the rate of \$2.50 per day.

Rev. Stat.,
c. 390, s. 17,
amended.

5. Section 17 of *The Public Hospitals Act*, as amended by paragraph 6 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by adding at the end thereof the words "in lieu of under this Act", so that the section shall read as follows:

17. With the approval of the Minister, a municipality may enter into an annual agreement with a hospital respecting the admission and treatment of all indigent persons and dependants of indigent persons residents in such municipality, and in such case the liability of the municipality to such hospital shall be determined according to such agreement in lieu of under this Act. Municipal agreements as to indigents.

6. Section 21 of *The Public Hospitals Act*, as amended by paragraph 7 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by adding at the end thereof the words "as provided for in this Act", so that the section shall read as follows: Rev. Stat., c. 390, s. 21, amended.

21. Unless the clerk of a municipality within twenty days after the date of mailing any such notice to him, shall by registered letter notify the superintendent from whom such notice was received that the patient referred to therein was not a resident in the municipality at the time of admission as a patient or is not an indigent person or a dependant of an indigent person, such municipality shall be liable for the charges for treatment of such patient as provided for in this Act. Notice disputing liability.

7.—(1) Subsection 1 of section 24 of *The Public Hospitals Act*, as amended by paragraph 8 of section 5 of *The Hospitals Aid Act, 1948* and section 2 of *The Public Hospitals Amendment Act, 1949*, is further amended by inserting after the word "liable" in the amendment of 1949 the words "under this Act", so that the subsection shall read as follows: Rev. Stat., c. 390, s. 24, subs. 1, amended.

- (1) Where the corporation of a county has not made an agreement under the provisions of section 17, it shall have the right to recover not exceeding one-half of the charges paid by it in respect to treatment in a hospital of any patient for which it is liable under this Act from the corporation of the township, town or village forming a part of the county in which such patient was a resident at the time of admission. County's right to contribution.

(2) Subsection 1c of section 24 of *The Public Hospitals Act*, as enacted by section 3 of *The Public Hospitals Amendment Act, 1940* and amended by paragraph 9 of section 5 of *The Public Hospitals Aid Act, 1948*, is further amended by adding at the end thereof the words "as provided for in this Act", so that the subsection shall read as follows: Rev. Stat., c. 390, s. 24, subs. 1c (1940, c. 23, s. 3), amended.

- (1c) Upon the failure of the clerk of a local municipality to comply with the provisions of subsection 1b, such Liability of local municipality.

local municipality shall be liable to the county for the charges for treatment of the patient in respect of whom the information is requested, as provided for in this Act.

Rev. Stat.,
c. 390, s. 26,
amended.

8. Section 26 of *The Public Hospitals Act*, as amended by paragraph 10 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by inserting after the word "liable" in the third line and after the word "paid" in the tenth line respectively the words "under this Act", so that the section shall read as follows:

Incurable
persons in
hospitals.

26. When a patient in a hospital other than a hospital for incurables for the charges for whose treatment a municipality is liable under this Act, is certified in accordance with the regulations to be an incurable person, the hospital may require of the municipality liable that such patient be removed from the hospital within seven days after notice has been given by registered letter to the clerk thereof, and failing which removal the hospital shall be entitled to charge the municipality liable, twenty-five cents per day in addition to any other charges provided to be paid under this Act while such patient remains in the hospital.

Rev. Stat.,
c. 390, s. 28,
amended.

9. Section 28 of *The Public Hospitals Act*, as amended by paragraph 11 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by inserting after the word "when" in the first line the words "under this Act", so that the section shall read as follows:

Statements
of account
to be
rendered.

28. When under this Act the charges for treatment of any patient or for burial expenses of a deceased patient are payable by a municipality the hospital to which such patient was admitted shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof and if the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction.

Rev. Stat.,
c. 390,
amended.

10. *The Public Hospitals Act* is amended by adding thereto the following section:

Grants to
hospitals.

32. The Minister may, out of such moneys as may be appropriated by the Legislature for the purpose, pay grants to hospitals by way of provincial aid in such amounts, in such manner and at such times as may be prescribed by the regulations.

11. *The Hospitals Aid Act, 1948* and *The Hospitals Aid Amendment Act, 1949* are repealed. 1948, c. 40;
1949, c. 42;
repealed.

12. All moneys in the Hospital Aid Fund, established under *The Hospitals Aid Act, 1948*, shall be transferred to and form part of the Consolidated Revenue Fund. Transfer of
money from
Hospital
Aid Fund.

13. This Act shall be deemed to have come into force on the 1st day of April, 1950. Commence-
ment of Act.

14. This Act may be cited as *The Public Hospitals Amendment Act, 1950*. Short title.

An Act to amend The Public
Hospitals Act.

1st Reading

March 30th, 1950

2nd Reading

April 4th, 1950

3rd Reading

April 6th, 1950

MR. GOODFELLOW

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

The Silicosis Act, 1950.

MR. GOODFELLOW

EXPLANATORY NOTE

The Bill is designed to control the hazard to health involved in silica exposure in industrial operations other than mining.

No. 140

1950

BILL

The Silicosis Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

(a) "Minister" means the member of the Executive Council to whom the administration of this Act has been assigned;

(b) "regulations" means regulations made under this Act.

2. Subject to section 5 and the regulations, no person shall be employed in an industrial process involving a silica exposure as defined by the regulations unless he is the holder of a health certificate issued under the regulations.

Health
certificate.

3. The Minister may require any employee engaged in any occupation involving a silica exposure as defined by the regulations to take a medical examination at any time.

Medical
examination.

4. The fee prescribed by the regulations for the medical examination shall be paid by the employer in the manner prescribed by the regulations.

Fee for
medical
examination.

5. The Minister may exempt any industrial process involving a silica exposure in part or in whole from the provisions of this Act and the regulations where, in his opinion, the circumstances warrant such action.

Exemption
of any
industrial
process.

6. Every person who contravenes any provision of this Act or the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$100.

Penalty.

7.—(1) The Minister, with the approval of the Lieutenant-Governor in Council, may make regulations,

Regulations.

- (a) defining silica exposure and prescribing medical examinations of employees engaged in industrial processes involving silica exposure and prescribing the fees to be paid for and the form of reports to be made in connection with such examination; and
- (b) providing for the issue, renewal, suspension and cancellation of health certificates to employees engaged in industrial processes involving a silica exposure and prescribing the form thereof and the conditions of issuing and the custody and use of such certificates.

Application
of regula-
tions.

(2) The regulations may be general in their application or may be made applicable specially to any particular locality or industry.

1929, c. 71;
1930, c. 59,
repealed.

8. *The Silicosis Act, 1929* and *The Silicosis Amendment Act, 1930* are repealed.

Commence-
ment of Act.

9. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

10. This Act may be cited as *The Silicosis Act, 1950*.

The Silicosis Act, 1950.

1st Reading

March 30th, 1950

2nd Reading

3rd Reading

MR. GOODFELLOW

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

The Silicosis Act, 1950.

MR. GOODFELLOW

No. 140

1950

BILL

The Silicosis Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

(a) "Minister" means the member of the Executive Council to whom the administration of this Act has been assigned;

(b) "regulations" means regulations made under this Act.

2. Subject to section 5 and the regulations, no person shall be employed in an industrial process involving a silica exposure as defined by the regulations unless he is the holder of a health certificate issued under the regulations. Health certificate.

3. The Minister may require any employee engaged in any occupation involving a silica exposure as defined by the regulations to take a medical examination at any time. Medical examination.

4. The fee prescribed by the regulations for the medical examination shall be paid by the employer in the manner prescribed by the regulations. Fee for medical examination.

5. The Minister may exempt any industrial process involving a silica exposure in part or in whole from the provisions of this Act and the regulations where, in his opinion, the circumstances warrant such action. Exemption of any industrial process.

6. Every person who contravenes any provision of this Act or the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$100. Penalty.

7.—(1) The Minister, with the approval of the Lieutenant-Governor in Council, may make regulations. Regulations.

- (a) defining silica exposure and prescribing medical examinations of employees engaged in industrial processes involving silica exposure and prescribing the fees to be paid for and the form of reports to be made in connection with such examination; and
- (b) providing for the issue, renewal, suspension and cancellation of health certificates to employees engaged in industrial processes involving a silica exposure and prescribing the form thereof and the conditions of issuing and the custody and use of such certificates.

Application
of regula-
tions.

(2) The regulations may be general in their application or may be made applicable specially to any particular locality or industry.

1929, c. 71;
1930, c. 59,
repealed.

8. *The Silicosis Act, 1929* and *The Silicosis Amendment Act, 1930* are repealed.

Commence-
ment of Act.

9. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

10. This Act may be cited as *The Silicosis Act, 1950*.

BILL

The Silicosis Act, 1950.

1st Reading

March 30th, 1950

2nd Reading

April 4th, 1950

3rd Reading

April 6th, 1950

MR. GOODFELLOW

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Department of Municipal Affairs Act.

MR. PORTER

EXPLANATORY NOTES

SECTION 1. Subsection 1 of section 29 of the Act provides that where a municipality is subject to Part III of the Act, no action or proceeding against the municipality can be commenced without the consent of the Municipal Board. The Act is amended to provide that this requirement will automatically cease when the Municipal Board has made an order providing for the refunding of the municipality's debts or confirming an agreement between the municipality and its creditors.

SECTION 2—Subsection 1. A tax arrears certificate cannot be registered until taxes for one year are in arrears for two years in the case of vacant land and three years in the case of improved land. Subsection 3 of section 43 of the Act is amended to provide that the certificate when registered shall show the amount of all unpaid taxes as of the date of registration rather than show only those which authorize the registration.

No. 141

1950

BILL

An Act to amend The Department of Municipal Affairs Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 29 of *The Department of Municipal Affairs Act*, as enacted by subsection 1 of section 21 of *The Statute Law Amendment Act, 1940*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 59, s. 29,
subs. 3
(1940,
c. 28, s. 21,
subs. 1),
re-enacted.

(3) Subsection 1 shall not apply to a municipality subject to this Part after the Board has made an order under clause *b* or *k* of subsection 1 of section 32 with respect to the municipality.

Where order
made under
section 32.

2.—(1) Subsection 3 of section 43 of *The Department of Municipal Affairs Act*, as amended by section 4 of *The Department of Municipal Affairs Amendment Act, 1941*, is further amended by striking out the word “such” in the eighth line and inserting in lieu thereof the word “all”, so that the subsection shall read as follows:

Rev. Stat.,
c. 59, s. 43,
subs. 3,
amended.

(3) The treasurer, with respect to vacant land upon which any part of the taxes remain unpaid after the time mentioned in subsection 1 and with respect to improved land upon which any part of the taxes remains unpaid after the time mentioned in subsection 2, may register in the registry office a certificate to be known as a tax arrears certificate (Form 1), setting forth therein a description of such vacant land or improved land, as the case may be, and the amount of all unpaid taxes, with the amount of all penalties, interest and costs added thereto, and thereupon the land described in the certificate shall vest in and become the property of the municipality, its successors and assigns, in fee simple, clear of and free from all other estate, right, title or interest, subject only to the right of redemption hereinafter provided and subsections 5, 7 and 8.

Registration
of tax
arrears
certificate.

Rev. Stat.,
c. 59, s. 43,
amended.

(2) The said section 43, as amended by subsection 1 of section 4 of *The Department of Municipal Affairs Amendment Act, 1938*, subsection 2 of section 6 of *The Statute Law Amendment Act, 1939*, section 4 of *The Department of Municipal Affairs Amendment Act, 1941* and section 3 of *The Department of Municipal Affairs Amendment Act, 1949*, is further amended by adding thereto the following subsection:

Declaration
deemed an
instrument.
Rev. Stat.,
c. 170.

(4c) The statutory declaration shall for the purposes of registration be deemed to be an instrument which within the meaning of *The Registry Act* may be registered, and it shall not be necessary for its registration that the declaration be accompanied by any proof of execution other than that attested in the declaration.

Rev. Stat.,
c. 59, s. 45,
subs. 2,
amended.

3.—(1) Subsection 2 of section 45 of *The Department of Municipal Affairs Act* is amended by adding thereto the following clause:

(e) For furnishing to the corporation for the purposes mentioned in section 43 a list in writing of the names and, if recorded, the addresses of all persons appearing by the records of the registry office to have an interest in the land described in a tax arrears certificate, fifty cents for each lot embraced in the certificate.

Rev. Stat.,
c. 59, s. 45,
subs. 2a
(1939,
c. 47, s. 6,
subs. 5),
re-enacted.

(2) Subsection 2a of the said section 45, as enacted by subsection 5 of section 6 of *The Statute Law Amendment Act, 1939*, is repealed and the following substituted therefor:

Certificate
of sheriff.

(2a) Upon the written request of the treasurer of a municipality for the purposes mentioned in section 43, the sheriff shall, in respect of the land described and the persons named in the request, furnish to the treasurer a certificate showing the names and addresses of all persons, if any, appearing by the records of his office to have an interest in such land, and for the certificate the sheriff shall be entitled to a fee of seventy-five cents for each lot embraced in the request.

Rev. Stat.,
c. 59, s. 46,
re-enacted.

4. Section 46 of *The Department of Municipal Affairs Act*, as amended by subsection 6 of section 6 of *The Statute Law Amendment Act, 1939*, is repealed and the following substituted therefor:

Where lands
in land
titles office.

46. Where land to which section 43 applies is registered in a land titles office, the certificate and declarations which may be registered under any provision of this

Subsection 2. Subsection 4a of section 43 of the Act provides that the treasurer shall complete and register a statutory declaration that he has sent to all persons appearing by the records of the sheriff and the registry office to have an interest in the land. A new subsection 4c is added to ensure that this declaration may be registered against the lands against which the certificate is registered.

SECTION 3. With the increasing use of tax arrears procedures in the northern part of the Province, it is not feasible for some of the municipalities to make their own searches of registry office and sheriff's records. Section 45 is amended to provide for the furnishing by these offices of lists of persons appearing to have an interest in the lands, and to provide the fees payable therefor to registrars and sheriffs.

SECTION 4. Section 46 of the Act is re-enacted to ensure that all the provisions respecting tax arrears certificates will apply where lands are registered in a land titles office rather than a registry office.

Part shall be registered in the proper land titles office, and all the provisions of this Part in relation to such certificates and declarations and their registration, and as to fees payable for registrations, searches, lists and certificates shall *mutatis mutandis* apply to lands entered in a land titles office, and *The Land Titles Act* shall be deemed to permit of such registrations. Rev. Stat.,
c. 174.

5. This Act shall come into force on the day it receives the Commence-
ment of Act. Royal Assent.

6. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1950*. Short title.

An Act to amend The Department of
Municipal Affairs Act.

1st Reading

March 30th, 1950

2nd Reading

3rd Reading

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Department of Municipal Affairs Act.

MR. PORTER

BILL

An Act to amend The Department of Municipal Affairs Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 29 of *The Department of Municipal Affairs Act*, as enacted by subsection 1 of section 21 of *The Statute Law Amendment Act, 1940*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 59, s. 29,
subs. 3
(1940,
c. 28, s. 21,
subs. 1),
re-enacted.

(3) Subsection 1 shall not apply to a municipality subject to this Part after the Board has made an order under clause *b* or *k* of subsection 1 of section 32 with respect to the municipality.

Where order
made under
section 32.

2.—(1) Subsection 3 of section 43 of *The Department of Municipal Affairs Act*, as amended by section 4 of *The Department of Municipal Affairs Amendment Act, 1941*, is further amended by striking out the word “such” in the eighth line and inserting in lieu thereof the word “all”, so that the subsection shall read as follows:

Rev. Stat.,
c. 59, s. 43,
subs. 3,
amended.

(3) The treasurer, with respect to vacant land upon which any part of the taxes remain unpaid after the time mentioned in subsection 1 and with respect to improved land upon which any part of the taxes remains unpaid after the time mentioned in subsection 2, may register in the registry office a certificate to be known as a tax arrears certificate (Form 1), setting forth therein a description of such vacant land or improved land, as the case may be, and the amount of all unpaid taxes, with the amount of all penalties, interest and costs added thereto, and thereupon the land described in the certificate shall vest in and become the property of the municipality, its successors and assigns, in fee simple, clear of and free from all other estate, right, title or interest, subject only to the right of redemption hereinafter provided and subsections 5, 7 and 8.

Registration
of tax
arrears
certificate.

Rev. Stat.,
c. 59, s. 43,
amended.

(2) The said section 43, as amended by subsection 1 of section 4 of *The Department of Municipal Affairs Amendment Act, 1938*, subsection 2 of section 6 of *The Statute Law Amendment Act, 1939*, section 4 of *The Department of Municipal Affairs Amendment Act, 1941* and section 3 of *The Department of Municipal Affairs Amendment Act, 1949*, is further amended by adding thereto the following subsection:

Declaration
deemed an
instrument.
Rev. Stat.,
c. 170.

(4c) The statutory declaration shall for the purposes of registration be deemed to be an instrument which within the meaning of *The Registry Act* may be registered, and it shall not be necessary for its registration that the declaration be accompanied by any proof of execution other than that attested in the declaration.

Rev. Stat.,
c. 59, s. 45,
subs. 2,
amended.

3.—(1) Subsection 2 of section 45 of *The Department of Municipal Affairs Act* is amended by adding thereto the following clause:

(e) For furnishing to the corporation for the purposes mentioned in section 43 a list in writing of the names and, if recorded, the addresses of all persons appearing by the records of the registry office to have an interest in the land described in a tax arrears certificate, fifty cents for each lot embraced in the certificate.

Rev. Stat.,
c. 59, s. 45,
subs. 2a
(1939,
c. 47, s. 6,
subs. 5),
re-enacted.

(2) Subsection 2a of the said section 45, as enacted by subsection 5 of section 6 of *The Statute Law Amendment Act, 1939*, is repealed and the following substituted therefor:

Certificate
of sheriff.

(2a) Upon the written request of the treasurer of a municipality for the purposes mentioned in section 43, the sheriff shall, in respect of the land described and the persons named in the request, furnish to the treasurer a certificate showing the names and addresses of all persons, if any, appearing by the records of his office to have an interest in such land, and for the certificate the sheriff shall be entitled to a fee of seventy-five cents for each lot embraced in the request.

Rev. Stat.,
c. 59, s. 46,
re-enacted.

4. Section 46 of *The Department of Municipal Affairs Act*, as amended by subsection 6 of section 6 of *The Statute Law Amendment Act, 1939*, is repealed and the following substituted therefor:

Where lands
in land
titles office.

46. Where land to which section 43 applies is registered in a land titles office, the certificate and declarations which may be registered under any provision of this

Part shall be registered in the proper land titles office, and all the provisions of this Part in relation to such certificates and declarations and their registration, and as to fees payable for registrations, searches, lists and certificates shall *mutatis mutandis* apply to lands entered in a land titles office, and *The Land Titles Act* shall be deemed to permit of such registrations. Rev. Stat., c. 174.

5. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

6. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1950*. Short title.

An Act to amend The Department of
Municipal Affairs Act.

1st Reading

March 30th, 1950

2nd Reading

April 4th, 1950

3rd Reading

April 6th, 1950

MR. PORTER

No. 142

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

The School Law Amendment Act, 1950.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The present definition in *The Boards of Education Act* is related to the territory in which a high school board has jurisdiction. In fact, there may be a board of education for the district and the definition is therefore reworded.

SECTION 2. Self-explanatory.

SECTION 3. At present section 68 of *The High Schools Act* provides that a high school trustee cannot be a high school teacher anywhere, and a public, separate or high school teacher cannot be a high school trustee anywhere. These disqualifications are changed so that a high school teacher is disqualified only from being a member of the high school board with which he has his contract or of any other school board having jurisdiction in the whole or any part of the area in which the board with which he has a teacher's contract has jurisdiction. The disqualifications of trustees are correspondingly changed.

No. 142

1950

BILL

The School Law Amendment Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Boards of Education Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 361, s. 1,
cl. b, re-
enacted.

(*b*) "High school district" means a high school district established under *The High Schools Act*.

"High school
district".
Rev. Stat.,
c. 360.

2. *The Department of Education Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 356,
amended.

5a.—(1) The Minister shall, after the close of the calendar year, file with the Provincial Secretary an annual report upon the affairs of the Department.

Annual
report.

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

Tabling.

3. Section 68 of *The High Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 360, s. 68,
re-enacted.

68.—(1) A high school trustee shall not be eligible for appointment as a teacher by the board of which he is a member or by any public, separate or continuation school board having jurisdiction in the whole or any part of the area in which the board of which he is a member has jurisdiction.

Disqualifica-
tion of
trustees as
teachers.

(2) A high school teacher shall not be eligible to be a member of the high school board with which he has a teacher's contract, nor to be a member of any public, separate or continuation school board having jurisdiction in the whole or any part of the area in which the board with which he has a teacher's contract has jurisdiction.

Disqualifica-
tion of
teachers as
trustees.

Rev. Stat.,
c. 357, s. 137,
re-enacted.

4. Section 137 of *The Public Schools Act* is repealed and the following substituted therefor:

Disqualifi-
cation of
trustees as
teachers and
inspectors.

137.—(1) A public school trustee shall not be eligible for appointment,—

(a) as a public school inspector; or

(b) as a teacher by the board of which he is a member or by any separate, continuation or high school board having jurisdiction in the whole or any part of the area in which the board of which he is a member has jurisdiction.

Disqualifi-
cation of
teachers as
trustees.

(2) A public school teacher shall not be eligible to be a member of the public school board with which he has a teacher's contract, nor to be a member of any separate, continuation or high school board having jurisdiction in the whole or any part of the area in which the board with which he has a teacher's contract has jurisdiction.

Disqualifi-
cation of
inspectors.

(3) A public school inspector shall not be eligible to be a teacher or trustee of a public, separate, continuation or high school while he holds the office of inspector.

Rev. Stat.,
c. 362, s. 96,
re-enacted.

5. Section 96 of *The Separate Schools Act* is repealed and the following substituted therefor:

Disqualifi-
cation of
trustees as
teachers and
inspectors.

96.—(1) A separate school trustee shall not be eligible for appointment,—

(a) as a separate school inspector; or

(b) as a teacher by the board of which he is a member or by any public, continuation or high school board having jurisdiction in the whole or any part of the area in which the board of which he is a member has jurisdiction.

Disqualifi-
cation of
teachers as
trustees.

(2) A separate school teacher shall not be eligible to be a member of the separate school board with which he has a teacher's contract, nor to be a member of any public, continuation or high school board having jurisdiction in the whole or any part of the area in which the board with which he has a teacher's contract has jurisdiction.

Disqualifi-
cation of
inspectors.

(3) A separate school inspector shall not be eligible to be a separate school trustee or teacher while he holds the office of inspector.

SECTION 4. At present section 137 of *The Public Schools Act* provides that a public school trustee cannot be a public school teacher anywhere and a public, separate or high school teacher cannot be a public school trustee anywhere. These disqualifications are changed so that a public school teacher is disqualified only from being a member of the public school board with which he has his contract or of any other school board having jurisdiction in the whole or any part of the area in which the board with which he has a teacher's contract has jurisdiction. The disqualifications of trustees are correspondingly changed.

SECTION 5. At present section 96 of *The Separate Schools Act* provides that a separate school trustee cannot be a separate school teacher anywhere and a public, separate or high school teacher cannot be a separate school trustee anywhere. These disqualifications are changed so that a separate school teacher is disqualified only from being a member of the separate school board with which he has his contract or of any other school board having jurisdiction in the whole or any part of the area in which the board with which he has a teacher's contract has jurisdiction. The disqualifications of trustees are correspondingly changed.

SECTION 6—Subsection 1. Clause *a* of the amended subsection refers to the division of 50% of the cost of education of county pupils on the basis of equalized assessment. The remaining 50% is based on the perfect aggregate attendance of pupils and consequently the reference in clause *b* to equalized assessments is removed.

Subsection 2. Under the former grant scheme grants in respect of vocational schools were on a different basis than those in respect of high schools. Consequently it was necessary that boards of schools whose pupils attend a vocational school in another district be required to pay on the net basis of the cost of education of such pupils. Under the new grant scheme operative in 1950, it will now be possible to charge the cost on the gross basis, i.e. before deducting legislative grants. The amendment provides for this new basis.

6.—(1) Clause *b* of subsection 3 of section 13 of *The Vocational Education Act*, as re-enacted by section 34 of *The School Law Amendment Act, 1945* and amended by section 3 of *The Vocational Education Amendment Act, 1947*, is further amended by striking out the words “according to the last revised equalized assessment” in the third line, so that the clause shall read as follows:

- (b) the remaining fifty per centum thereof by a levy upon and against the whole rateable property of the municipalities or portions of municipalities which are not within a high school or grade A or grade B continuation school district and in which the county pupils reside or are assessed or the parents or guardians of whom are assessed, as the case may be, in the proportion which the perfect aggregate attendance of the county pupils who reside or are assessed or whose parents or guardians are assessed in such municipality or portion of a municipality bears to the perfect aggregate attendance of all county pupils.

(2) Subsection 4*d* of the said section 13, as enacted by section 3 of *The Vocational Education Amendment Act, 1948*, is repealed and the following substituted therefor:

- (4*d*) The cost of education of pupils attending a vocational school from another high school district or a continuation school district shall be calculated in accordance with subsection 1 of section 36 of *The High Schools Act*, except that legislative grants shall not be deducted as provided in clause *c* thereof, and shall be paid by the board of the high or continuation school district to the board operating the vocational school.

7.—(1) This Act, except subsection 2 of section 6, shall come into force on the day it receives the Royal Assent.

(2) Subsection 2 of section 6 shall be deemed to have come into force on the 1st day of January, 1950.

8. This Act may be cited as *The School Law Amendment Act, 1950*.

BILL

The School Law Amendment Act, 1950.

1st Reading

March 30th, 1950

2nd Reading

3rd Reading

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

The School Law Amendment Act, 1950.

MR. PORTER

BILL

The School Law Amendment Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Boards of Education Act* Rev. Stat., c. 361, s. 1, cl. *b*, re-enacted. is repealed and the following substituted therefor:
 - (b) "High school district" means a high school district established under *The High Schools Act*. "High school district". Rev. Stat., c. 360.
2. *The Department of Education Act* is amended by adding thereto the following section:
 - 5a.—(1) The Minister shall, after the close of the calendar year, file with the Provincial Secretary an annual report upon the affairs of the Department. Annual report.
 - (2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. Tabling.
3. Section 68 of *The High Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 68, re-enacted.
 - 68.—(1) A high school trustee shall not be eligible for appointment as a teacher by the board of which he is a member or by any public, separate or continuation school board having jurisdiction in the whole or any part of the area in which the board of which he is a member has jurisdiction. Disqualification of trustees as teachers.
 - (2) A high school teacher shall not be eligible to be a member of the high school board with which he has a teacher's contract, nor to be a member of any public, separate or continuation school board having jurisdiction in the whole or any part of the area in which the board with which he has a teacher's contract has jurisdiction. Disqualification of teachers as trustees.

Rev. Stat., c. 357, s. 137, re-enacted. 4. Section 137 of *The Public Schools Act* is repealed and the following substituted therefor:

Disqualifi-
cation of
trustees as
teachers and
inspectors.

137.—(1) A public school trustee shall not be eligible for appointment,—

(a) as a public school inspector; or

(b) as a teacher by the board of which he is a member or by any separate, continuation or high school board having jurisdiction in the whole or any part of the area in which the board of which he is a member has jurisdiction.

Disqualifi-
cation of
teachers as
trustees.

(2) A public school teacher shall not be eligible to be a member of the public school board with which he has a teacher's contract, nor to be a member of any separate, continuation or high school board having jurisdiction in the whole or any part of the area in which the board with which he has a teacher's contract has jurisdiction.

Disqualifi-
cation of
inspectors.

(3) A public school inspector shall not be eligible to be a teacher or trustee of a public, separate, continuation or high school while he holds the office of inspector.

Rev. Stat., c. 362, s. 96, re-enacted. 5. Section 96 of *The Separate Schools Act* is repealed and the following substituted therefor:

Disqualifi-
cation of
trustees as
teachers and
inspectors.

96.—(1) A separate school trustee shall not be eligible for appointment,—

(a) as a separate school inspector; or

(b) as a teacher by the board of which he is a member or by any public, continuation or high school board having jurisdiction in the whole or any part of the area in which the board of which he is a member has jurisdiction.

Disqualifi-
cation of
teachers as
trustees.

(2) A separate school teacher shall not be eligible to be a member of the separate school board with which he has a teacher's contract, nor to be a member of any public, continuation or high school board having jurisdiction in the whole or any part of the area in which the board with which he has a teacher's contract has jurisdiction.

Disqualifi-
cation of
inspectors.

(3) A separate school inspector shall not be eligible to be a separate school trustee or teacher while he holds the office of inspector.

6.—(1) Clause *b* of subsection 3 of section 13 of *The Vocational Education Act*, as re-enacted by section 34 of *The School Law Amendment Act, 1945* and amended by section 3 of *The Vocational Education Amendment Act, 1947*, is further amended by striking out the words “according to the last revised equalized assessment” in the third line, so that the clause shall read as follows:

- (*b*) the remaining fifty per centum thereof by a levy upon and against the whole rateable property of the municipalities or portions of municipalities which are not within a high school or grade A or grade B continuation school district and in which the county pupils reside or are assessed or the parents or guardians of whom are assessed, as the case may be, in the proportion which the perfect aggregate attendance of the county pupils who reside or are assessed or whose parents or guardians are assessed in such municipality or portion of a municipality bears to the perfect aggregate attendance of all county pupils.

(2) Subsection 4*d* of the said section 13, as enacted by section 3 of *The Vocational Education Amendment Act, 1948*, is repealed and the following substituted therefor:

- (4*d*) The cost of education of pupils attending a vocational school from another high school district or a continuation school district shall be calculated in accordance with subsection 1 of section 36 of *The High Schools Act*, except that legislative grants shall not be deducted as provided in clause *c* thereof, and shall be paid by the board of the high or continuation school district to the board operating the vocational school.

7.—(1) This Act, except subsection 2 of section 6, shall come into force on the day it receives the Royal Assent.

(2) Subsection 2 of section 6 shall be deemed to have come into force on the 1st day of January, 1950.

8. This Act may be cited as *The School Law Amendment Act, 1950*.

BILL

The School Law Amendment Act, 1950.

1st Reading

March 30th, 1950

2nd Reading

April 4th, 1950

3rd Reading

April 6th, 1950

MR. PORTER

No. 143

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Voters' Lists Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

Since the election date in many municipalities is now earlier than was formerly the case, it is now impossible to wait for the revision by the court of revision or county judge before preparing the voters' list. The changes effected by this Bill are:

- (1) to direct the clerk to prepare the voters' list immediately on the return of the assessment roll (section 1 (1));
- (2) to permit any municipality to prepare its list by street or lot and concession numbers (section 1 (1));
- (3) to require the clerk to indicate separate school supporters on the list by the letter "S" in all municipalities-instead of cities and towns (section 1 (3));
- (4) to reduce the time for making complaints against the list from 21 to 14 days (sections 6, 7), and in municipalities to which Part II applies, from 15 to 14 days (sections 11, 13);
- (5) to require the judge to hear all complaints within one month instead of two (section 8);
- (6) to require the judge in municipalities to which Part II applies to hear all complaints before nomination day (section 12).

BILL

An Act to amend The Voters' Lists Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsections 1 and 2 of section 5 of *The Voters' Lists Act* are repealed and the following substituted therefor: Rev. Stat., c. 7, s. 5, subs. 1, 2, re-enacted.

(1) The clerk of each municipality shall, immediately after the return of the assessment roll in every year, make a correct list for each polling subdivision of the municipality in three parts (Form 1) of all persons appearing by the assessment roll or by the supplementary roll prepared by the assessor to be voters. List of voters in three parts.

(2) The list shall be made up alphabetically except in the case of a municipality the council of which has by resolution directed that the list be made up in order of street numbers or lot and concession numbers. Arrangement of list.

(2) Subsection 16 of the said section 5 is repealed.

Rev. Stat., c. 7, s. 5, subs. 16, repealed.

(3) Subsection 18 of the said section 5 is amended by striking out the words "In cities and towns" at the commencement thereof, so that the subsection shall read as follows: Rev. Stat., c. 7, s. 5, subs. 18, amended.

(18) The clerk shall in a separate column of the voters' list write or mark the letter "S" opposite the name of every person who in the assessment roll is shown as a separate school supporter and also after the name of the wife or husband of every such person if such wife or husband is shown by the roll to be a Roman Catholic. Entries of separate school supporters.

2. Section 6 of *The Voters' Lists Act* is repealed.

Rev. Stat., c. 7, s. 6, repealed.

Rev. Stat.,
c. 7, s. 7,
subs. 2,
amended.

3. Subsection 2 of section 7 of *The Voters' Lists Act* is amended by striking out the word "revision" in the fifth line and inserting in lieu thereof the word "return", so that the subsection shall read as follows:

Entry of
non-resident
voter in
polling sub-
division
other than
where
qualified.

- (2) Where it appears by the assessment roll of a township that a person who is not resident in the township is entered upon the assessment roll and assessed for sufficient property to entitle him to vote at municipal elections in the township, such non-resident person at any time after the return of the assessment roll and before the printing of the voters' list by the clerk, may give notice in writing signed by him and verified by a statutory declaration, to the clerk requesting that the name of such non-resident person be entered on the voters' list for some other polling subdivision in the township than that in which he is so assessed, and thereupon the clerk may enter the name of such non-resident person on the list for any other polling subdivision so designated and after the name of such non-resident person shall enter the property in respect of which he is qualified to vote and the polling subdivision in which the same is situate.

Rev. Stat.,
c. 7, s. 8,
amended.

4. Section 8 of *The Voters' Lists Act* is amended by striking out the words "within forty days in a city and in other municipalities within thirty days after the final revision and correction of the assessment roll" in the second, third and fourth lines and inserting in lieu thereof the words "within thirty days after the return of the assessment roll", so that the section exclusive of the clauses shall read as follows:

Printing and
distribution
of list.

8. Immediately after the clerk has made the list, and within thirty days after the return of the assessment roll, the clerk shall cause at least two hundred copies of the first and second parts of the list, and in a municipality having a population of not more than 3,500, the third part of the list to be printed in pamphlet form, and forthwith shall cause one of the printed copies to be posted up and to be kept posted up in some conspicuous place in his office, and deliver or transmit by post fifteen copies to the clerk of the peace and two copies of the printed list to each of the following persons,—

.

Rev. Stat.,
c. 7, s. 9,
subs. 1,
amended.

5. Subsection 1 of section 9 of *The Voters' Lists Act* is amended by striking out the words "last revised" in the fourth and ninth lines respectively, so that the subsection shall read as follows:

- (1) Upon each of the copies of the first part so delivered or sent there shall be a certificate (Form 2), over the name of the clerk, stating that the list is a correct list of all persons appearing by the assessment roll to be voters at provincial and municipal elections, and upon each of the copies of the second part so delivered or sent there shall be a certificate (Form 3), over the name of the clerk, stating that the list is a correct list of all persons appearing by the assessment roll to be voters at municipal elections only, and such certificates shall contain clauses calling upon all voters to examine the lists, and to take immediate proceedings to have omissions or errors corrected according to law. Certificate of clerk.

6. Subsection 1 of section 13 of *The Voters' Lists Act* is amended by striking out the word "twenty-one" in the fourth line and inserting in lieu thereof the word "fourteen", so that the subsection shall read as follows: Rev. Stat., c. 7, s. 13, subs. 1, amended.

- (1) Any voter whose name is entered on or who is entitled to have his name entered on the list for the municipality shall have the right for all purposes of this Act, upon giving notice in writing (Form 6) within fourteen days after the clerk has posted up the list in his office, to apply, complain or appeal to have his own name or the name of any person corrected in, entered on or removed from the first or second part of the list. Who may appeal or complain.

7. Subsection 1 of section 15 of *The Voters' Lists Act* is amended by striking out the word "twenty-one" in the second line and inserting in lieu thereof the word "fourteen", so that the subsection shall read as follows: Rev. Stat., c. 7, s. 15, subs. 1, amended.

- (1) A voter making a complaint in respect of the list shall, within fourteen days after the clerk has posted up the list in his office, give to the clerk or leave for him at his residence or place of business, notice in writing (Form 6) of his complaint. Proceedings on complaint of errors in list.

8. Section 18 of *The Voters' Lists Act* is amended by striking out the words "two months" in the fourth line and inserting in lieu thereof the words "one month", so that the section shall read as follows: Rev. Stat., c. 7, s. 18, amended.

18. The judge shall so arrange and proceed, and fix the sittings of the court, that all the complaints shall be heard and determined, and the first and second parts of the list finally revised, corrected and certified, within one month from the last day for making complaints. Time within which list to be revised.

Rev. Stat.,
c. 7, s. 19,
subs. 1,
amended.

9. Subsection 1 of section 19 of *The Voters' Lists Act* is amended by striking out the word "twenty-one" in the first line and inserting in lieu thereof the word "fourteen", so that the subsection exclusive of the clauses shall read as follows:

Certifying
list by clerk
of the peace
when no
complaint
made.

- (1) If no complaint is made within fourteen days after the clerk has posted up the list in his office, he shall forthwith deliver either in person or by letter to the clerk of the peace his report (Form 13), and the clerk of the peace shall thereupon certify (Form 14) a sufficient number of copies of the first and second parts of the list as being the last revised list of persons entitled to be voters at elections to the Assembly as well as at municipal elections, and of persons entitled to vote at municipal elections only in the municipality to furnish one copy of such list to each of the following persons,—

.

Rev. Stat.,
c. 7,
amended.

10. *The Voters' Lists Act* is amended by adding thereto the following section:

Correction
of lists after
revisions of
assessment
roll.

- 21a. If the assessment roll is not certified by the court of revision or revised by the judge before the time limited for the final revision, correction and certifying of the voters' list by the judge, and upon appeal to the court of revision or to the judge alterations are made in the assessment roll affecting the right of any person to be entered on the list, the court of revision shall forthwith after certifying the roll and the judge shall forthwith after revising the roll, make out and certify a list of such alterations and deliver it to the clerk who shall make corresponding changes in the certified copies of the revised list, and the judge shall initial the changes.

Rev. Stat.,
c. 7, s. 50,
subs. 2,
amended.

11. Subsection 2 of section 50 of *The Voters' Lists Act* is amended by striking out the word "fifteen" in the second line and inserting in lieu thereof the word "fourteen", so that the subsection shall read as follows:

Time for
making
complaints.

- (2) The time for making complaints as to errors or omissions in the lists shall be within fourteen days after the first publication of the notice.

Rev. Stat.,
c. 7, s. 51,
amended.

12. Section 51 of *The Voters' Lists Act* is amended by striking out all the words after the figure "1" in the fifth line and inserting in lieu thereof the words "before the day fixed for the nomination meeting", so that the section shall read as follows:

51. The judge shall so arrange and proceed, and so fix the sittings of the court for hearing complaints against or in respect of the lists that the complaints shall be heard and determined and the lists finally revised and certified in the manner provided by Part I before the day fixed for the nomination meeting.
- Time for final revision of lists.

13. Section 52 of *The Voters' Lists Act* is amended by striking out the word "fifteen" in the second line and inserting in lieu thereof the word "fourteen", so that the section shall read as follows:

Rev. Stat., c. 7, s. 52, amended.

52. If no complaint respecting any of the lists is received by the clerk within fourteen days after the first publication of the notice the clerk shall forthwith apply to the judge to certify three copies of each of the lists as being the last revised list of voters for the ward or subdivision, and the judge shall certify such three copies and retain one, and deliver, or transmit by post, registered, one to the clerk of the peace, and one to the clerk of the municipality, to be kept by him among the records of his office.
- Certifying list where no complaint made.

14.—(1) Form 2 of Schedule A to *The Voters' Lists Act* is amended by striking out the words "last revised" in the fourth line.

Rev. Stat., c. 7, Sched. A, Form 2, amended.

(2) Form 3 of the said Schedule A is amended by striking out the words "last revised" in the fourth line.

Rev. Stat., c. 7, Sched. A, Form 3, amended.

(3) Form 13 of the said Schedule A is amended by striking out the word "twenty-one" in the seventeenth line and inserting in lieu thereof the word "fourteen".

Rev. Stat., c. 7, Sched. A, Form 13, amended.

(4) Form 14 of the said Schedule A is amended by striking out the word "twenty-one" in the fourth line and inserting in lieu thereof the word "fourteen".

Rev. Stat., c. 7, Sched. A, Form 14, amended.

(5) Form 20 of the said Schedule A is amended by striking out the words "final revision and correction" in the ninth line and inserting in lieu thereof the word "return".

Rev. Stat., c. 7, Sched. A, Form 20, amended.

(6) Form 21 of the said Schedule A is amended by striking out the words "final revision and correction" in the eighth line and inserting in lieu thereof the word "return".

Rev. Stat., c. 7, Sched. A, Form 21, amended.

15. This Act may be cited as *The Voters' Lists Amendment Act, 1950*.

Short title.

1st Reading

March 30th, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 143

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Voters' Lists Act.

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Voters' Lists Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsections 1 and 2 of section 5 of *The Voters' Lists Act* are repealed and the following substituted therefor: Rev. Stat., c. 7, s. 5, subs. 1, 2, re-enacted.

(1) The clerk of each municipality shall, immediately after the return of the assessment roll in every year, make a correct list for each polling subdivision of the municipality in three parts (Form 1) of all persons appearing by the assessment roll or by the supplementary roll prepared by the assessor to be voters. List of voters in three parts.

(2) The list shall be made up alphabetically except in the case of a municipality the council of which has by resolution directed that the list be made up in order of street numbers or lot and concession numbers. Arrangement of list.

(2) Subsection 16 of the said section 5 is repealed.

Rev. Stat., c. 7, s. 5, subs. 16, repealed.

(3) Subsection 18 of the said section 5 is amended by striking out the words "In cities and towns" at the commencement thereof, so that the subsection shall read as follows: Rev. Stat., c. 7, s. 5, subs. 18, amended.

(18) The clerk shall in a separate column of the voters' list write or mark the letter "S" opposite the name of every person who in the assessment roll is shown as a separate school supporter and also after the name of the wife or husband of every such person if such wife or husband is shown by the roll to be a Roman Catholic. Entries of separate school supporters.

2. Section 6 of *The Voters' Lists Act* is repealed.

Rev. Stat., c. 7, s. 6, repealed.

Rev. Stat.,
c. 7, s. 7,
subs. 2,
amended.

3. Subsection 2 of section 7 of *The Voters' Lists Act* is amended by striking out the word "revision" in the fifth line and inserting in lieu thereof the word "return", so that the subsection shall read as follows:

Entry of
non-resident
voter in
polling sub-
division
other than
where
qualified.

- (2) Where it appears by the assessment roll of a township that a person who is not resident in the township is entered upon the assessment roll and assessed for sufficient property to entitle him to vote at municipal elections in the township, such non-resident person at any time after the return of the assessment roll and before the printing of the voters' list by the clerk, may give notice in writing signed by him and verified by a statutory declaration, to the clerk requesting that the name of such non-resident person be entered on the voters' list for some other polling subdivision in the township than that in which he is so assessed, and thereupon the clerk may enter the name of such non-resident person on the list for any other polling subdivision so designated and after the name of such non-resident person shall enter the property in respect of which he is qualified to vote and the polling subdivision in which the same is situate.

Rev. Stat.,
c. 7, s. 8,
amended.

4. Section 8 of *The Voters' Lists Act* is amended by striking out the words "within forty days in a city and in other municipalities within thirty days after the final revision and correction of the assessment roll" in the second, third and fourth lines and inserting in lieu thereof the words "within thirty days after the return of the assessment roll", so that the section exclusive of the clauses shall read as follows:

Printing and
distribution
of list.

8. Immediately after the clerk has made the list, and within thirty days after the return of the assessment roll, the clerk shall cause at least two hundred copies of the first and second parts of the list, and in a municipality having a population of not more than 3,500, the third part of the list to be printed in pamphlet form, and forthwith shall cause one of the printed copies to be posted up and to be kept posted up in some conspicuous place in his office, and deliver or transmit by post fifteen copies to the clerk of the peace and two copies of the printed list to each of the following persons,—
-

Rev. Stat.,
c. 7, s. 9,
subs. 1,
amended.

5. Subsection 1 of section 9 of *The Voters' Lists Act* is amended by striking out the words "last revised" in the fourth and ninth lines respectively, so that the subsection shall read as follows:

- (1) Upon each of the copies of the first part so delivered or sent there shall be a certificate (Form 2), over the name of the clerk, stating that the list is a correct list of all persons appearing by the assessment roll to be voters at provincial and municipal elections, and upon each of the copies of the second part so delivered or sent there shall be a certificate (Form 3), over the name of the clerk, stating that the list is a correct list of all persons appearing by the assessment roll to be voters at municipal elections only, and such certificates shall contain clauses calling upon all voters to examine the lists, and to take immediate proceedings to have omissions or errors corrected according to law. Certificate of clerk.

6. Subsection 1 of section 13 of *The Voters' Lists Act* is amended by striking out the word "twenty-one" in the fourth line and inserting in lieu thereof the word "fourteen", so that the subsection shall read as follows: Rev. Stat., c. 7, s. 13, subs. 1, amended.

- (1) Any voter whose name is entered on or who is entitled to have his name entered on the list for the municipality shall have the right for all purposes of this Act, upon giving notice in writing (Form 6) within fourteen days after the clerk has posted up the list in his office, to apply, complain or appeal to have his own name or the name of any person corrected in, entered on or removed from the first or second part of the list. Who may appeal or complain.

7. Subsection 1 of section 15 of *The Voters' Lists Act* is amended by striking out the word "twenty-one" in the second line and inserting in lieu thereof the word "fourteen", so that the subsection shall read as follows: Rev. Stat., c. 7, s. 15, subs. 1, amended.

- (1) A voter making a complaint in respect of the list shall, within fourteen days after the clerk has posted up the list in his office, give to the clerk or leave for him at his residence or place of business, notice in writing (Form 6) of his complaint. Proceedings on complaint of errors in list.

8. Section 18 of *The Voters' Lists Act* is amended by striking out the words "two months" in the fourth line and inserting in lieu thereof the words "one month", so that the section shall read as follows: Rev. Stat., c. 7, s. 18, amended.

18. The judge shall so arrange and proceed, and fix the sittings of the court, that all the complaints shall be heard and determined, and the first and second parts of the list finally revised, corrected and certified, within one month from the last day for making complaints. Time within which list to be revised.

Rev. Stat.,
c. 7, s. 19,
subs. 1,
amended.

9. Subsection 1 of section 19 of *The Voters' Lists Act* is amended by striking out the word "twenty-one" in the first line and inserting in lieu thereof the word "fourteen", so that the subsection exclusive of the clauses shall read as follows:

Certifying
list by clerk
of the peace
when no
complaint
made.

- (1) If no complaint is made within fourteen days after the clerk has posted up the list in his office, he shall forthwith deliver either in person or by letter to the clerk of the peace his report (Form 13), and the clerk of the peace shall thereupon certify (Form 14) a sufficient number of copies of the first and second parts of the list as being the last revised list of persons entitled to be voters at elections to the Assembly as well as at municipal elections, and of persons entitled to vote at municipal elections only in the municipality to furnish one copy of such list to each of the following persons,—

.

Rev. Stat.,
c. 7,
amended.

10. *The Voters' Lists Act* is amended by adding thereto the following section:

Correction
of lists after
revisions of
assessment
roll.

- 21a. If the assessment roll is not certified by the court of revision or revised by the judge before the time limited for the final revision, correction and certifying of the voters' list by the judge, and upon appeal to the court of revision or to the judge alterations are made in the assessment roll affecting the right of any person to be entered on the list, the court of revision shall forthwith after certifying the roll and the judge shall forthwith after revising the roll, make out and certify a list of such alterations and deliver it to the clerk who shall make corresponding changes in the certified copies of the revised list, and the judge shall initial the changes.

Rev. Stat.,
c. 7, s. 50,
subs. 2,
amended.

11. Subsection 2 of section 50 of *The Voters' Lists Act* is amended by striking out the word "fifteen" in the second line and inserting in lieu thereof the word "fourteen", so that the subsection shall read as follows:

Time for
making
complaints.

- (2) The time for making complaints as to errors or omissions in the lists shall be within fourteen days after the first publication of the notice.

Rev. Stat.,
c. 7, s. 51,
amended.

12. Section 51 of *The Voters' Lists Act* is amended by striking out all the words after the figure "I" in the fifth line and inserting in lieu thereof the words "before the day fixed for the nomination meeting", so that the section shall read as follows:

51. The judge shall so arrange and proceed, and so fix the sittings of the court for hearing complaints against or in respect of the lists that the complaints shall be heard and determined and the lists finally revised and certified in the manner provided by Part I before the day fixed for the nomination meeting.

Time for
final revision
of lists.

13. Section 52 of *The Voters' Lists Act* is amended by striking out the word "fifteen" in the second line and inserting in lieu thereof the word "fourteen", so that the section shall read as follows:

Rev. Stat.,
c. 7, s. 52,
amended.

52. If no complaint respecting any of the lists is received by the clerk within fourteen days after the first publication of the notice the clerk shall forthwith apply to the judge to certify three copies of each of the lists as being the last revised list of voters for the ward or subdivision, and the judge shall certify such three copies and retain one, and deliver, or transmit by post, registered, one to the clerk of the peace, and one to the clerk of the municipality, to be kept by him among the records of his office.

Certifying
list where
no complaint
made.

14.—(1) Form 2 of Schedule A to *The Voters' Lists Act* is amended by striking out the words "last revised" in the fourth line.

Rev. Stat.,
c. 7,
Sched. A,
Form 2,
amended.

(2) Form 3 of the said Schedule A is amended by striking out the words "last revised" in the fourth line.

Rev. Stat.,
c. 7,
Sched. A,
Form 3,
amended.

(3) Form 13 of the said Schedule A is amended by striking out the word "twenty-one" in the seventeenth line and inserting in lieu thereof the word "fourteen".

Rev. Stat.,
c. 7,
Sched. A,
Form 13,
amended.

(4) Form 14 of the said Schedule A is amended by striking out the word "twenty-one" in the fourth line and inserting in lieu thereof the word "fourteen".

Rev. Stat.,
c. 7,
Sched. A,
Form 14,
amended.

(5) Form 20 of the said Schedule A is amended by striking out the words "final revision and correction" in the ninth line and inserting in lieu thereof the word "return".

Rev. Stat.,
c. 7,
Sched. A,
Form 20,
amended.

(6) Form 21 of the said Schedule A is amended by striking out the words "final revision and correction" in the eighth line and inserting in lieu thereof the word "return".

Rev. Stat.,
c. 7,
Sched. A,
Form 21,
amended.

15. This Act may be cited as *The Voters' Lists Amendment Act, 1950*.

Short title.

An Act to amend 'The Voters' Lists Act.

1st Reading

March 30th, 1950

2nd Reading

April 4th, 1950

3rd Reading

April 6th, 1950

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Business Records Protection Act, 1947.

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTE

The new clauses *aa* and *aaa* are designed to remove the barriers that now exist under this Act so that normal extra-provincial business practices in the securities field may not be unduly hampered.

BILL

An Act to amend The Business Records Protection Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Business Records Protection Act, 1947* ^{1947, c. 10, s. 1,} is amended by striking out the word "or" at the end of clause *a* ^{amended.} and by adding thereto the following clauses:

(aa) is done by or on behalf of a company or person as defined in *The Securities Act, 1947*, carrying on ^{1947, c. 98.} business in Ontario and as to a jurisdiction outside of Ontario in which the securities of such company or person have been qualified for sale with the consent of such company or person;

(aaa) is done by or on behalf of a company or person as defined in *The Securities Act, 1947*, carrying on business in Ontario as a broker, broker-dealer, investment dealer or salesman as defined in *The Securities Act, 1947*, and as to a jurisdiction outside of Ontario in which such company or person has been registered or is otherwise qualified to carry on business as a broker, broker-dealer, investment dealer or salesman, as the case may be; or

.

2. This Act may be cited as *The Business Records Protection* Short title. *Amendment Act, 1950.*

An Act to amend The Business Records
Protection Act, 1947.

1st Reading

March 30th, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 144

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Business Records Protection Act, 1947.

MR. PORTER

TORONTO
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BILL

An Act to amend The Business Records Protection Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Business Records Protection Act, 1947* ^{1947, c. 10, s. 1, amended.} is amended by striking out the word "or" at the end of clause *a* and by adding thereto the following clauses:

(aa) is done by or on behalf of a company or person as defined in *The Securities Act, 1947*, carrying on ^{1947, c. 98.} business in Ontario and as to a jurisdiction outside of Ontario in which the securities of such company or person have been qualified for sale with the consent of such company or person;

(aaa) is done by or on behalf of a company or person as defined in *The Securities Act, 1947*, carrying on business in Ontario as a broker, broker-dealer, investment dealer or salesman as defined in *The Securities Act, 1947*, and as to a jurisdiction outside of Ontario in which such company or person has been registered or is otherwise qualified to carry on business as a broker, broker-dealer, investment dealer or salesman, as the case may be; or

.

2. This Act may be cited as *The Business Records Protection Short title. Amendment Act, 1950.*

BILL

An Act to amend The Business Records
Protection Act, 1947.

1st Reading

March 30th, 1950

2nd Reading

April 4th, 1950

3rd Reading

April 6th, 1950

MR. PORTER

No. 145

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

The Statute Law Amendment Act, 1950.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTES

SECTION 1. This section, which provides for the regularizing of *de facto* adoptions, is now covered in section 3f of the Act (1949, c. 1, s. 1). It is therefore repealed.

SECTION 2. The Lieutenant-Governor in Council is substituted for the Rules Committee established by *The Judicature Act*.

SECTION 3. The words added will enable provincial aid in respect of the maintenance of children to be paid to local municipalities in the manner provided rather than to the county of which the local municipality forms a part.

BILL

The Statute Law Amendment Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Adoption Act* is repealed.

Rev. Stat.,
c. 218, s. 11,
repealed.

2. Subsection 1 of section 6 of *The Charities Accounting Act*, as amended by subsection 1 of section 5 of *The Statute Law Amendment Act, 1941*, is further amended by striking out all the words in the first two lines and inserting in lieu thereof the words "The Lieutenant-Governor in Council may make regulations", so that subsection 1, exclusive of the clauses, shall read as follows:

Rev. Stat.,
c. 167, s. 6,
subs. 1,
amended.

- (1) The Lieutenant-Governor in Council may make Rules.
regulations,—

.

- 3.—(1) Subsection 11 of section 10 of *The Children's Protection Act*, as enacted by section 3 of *The Children's Protection Amendment Act, 1949*, is amended by adding at the end thereof the words "except that where the order is made against a county the amount otherwise payable to the county under this subsection shall be paid to each municipality forming part of the county in the proportion that the equalized assessment of the municipality bears to the total equalized assessment of the county", so that the subsection shall read as follows:

Rev. Stat.,
c. 312, s. 10,
subs. 11
(1949,
c. 11, s. 3),
amended.

- (11) Where an order is made against a municipality under subsection 1 there shall be paid to the municipality an amount equal to twenty-five per centum of the amount of the net expenditures of the municipality under such order, except that where the order is made against a county the amount otherwise payable to the county under this subsection shall be paid to each municipality forming part of the county

Provincial
aid to
maintenance
of children.

in the proportion that the equalized assessment of the municipality bears to the total equalized assessment of the county.

Effective
Jan. 1st,
1950.

(2) Subsection 1 shall be deemed to have come into force on the 1st day of January, 1950.

1944,
c. 11, s. 3,
re-enacted.

4. Section 3 of *The Chiropody Act, 1944* is repealed and the following substituted therefor:

Regulations.

3. The Board, with the approval of the Lieutenant-Governor in Council, may make regulations,—

- (a) for the admission of chiropodists to practise in Ontario and for the registration of all persons so admitted and the issuing of certificates of registration;
- (b) prescribing the training and qualifications of persons so to be admitted and the proofs to be furnished as to education and good character;
- (c) providing for approval of schools, colleges or universities, and prescribing educational standards, methods and hours of training and instruction facilities, and other requirements for approved schools, colleges or universities;
- (d) providing for the appointment of examiners and the examination and re-examination of applicants for registration as chiropodists, prescribing the subjects for examination, the minimum standards to be obtained on examination or re-examination, and the fees to be paid on examination and re-examination;
- (e) for maintaining a register of persons so admitted to practise, and providing for the annual renewal of registration and prescribing the fees to be paid therefor;
- (f) providing for the holding of meetings of the Board, the business to be transacted thereat, quorum, the powers and duties of the Board and of the chairman, the vice-chairman and the secretary-treasurer of the Board;
- (g) providing for the payment of a per diem allowance and an allowance for travelling and living expenses to members of the Board while engaged on business of the Board, and

SECTION 4. It is proposed to revise the regulations and the section is re-enacted to clarify the authority to make the regulations contemplated. The principles are unchanged.

payment of compensation to the secretary-treasurer of the Board in lieu of a per diem allowance;

- (h) providing for the employment of such persons or services as may be required and for the payment of salaries, fees and expenses and generally for payment out of funds at the disposal of the Board;
- (i) prescribing the books and records to be kept by the Board;
- (j) providing for the auditing of the books and accounts of the Board;
- (k) prescribing the discipline and control of, and regulating the manner of carrying on business by, registered chiropodists;
- (l) designating and regulating the manner in which any person registered under this Act may describe his qualification or occupation and prohibiting the use of any title, affix or prefix which in the opinion of the Board is calculated to mislead the public as to the qualification of any such person and for allowing the use of any affix or prefix not forbidden by section 49 of *The Medical Act* which in the opinion of the Board will correctly describe the qualification or occupation of such person; Rev. Stat.,
c. 225.
- (m) providing for the investigation of any complaint that a registered chiropodist has been guilty of misconduct or displayed such ignorance or incompetence as to render it desirable in the public interest that his registration should be cancelled or suspended;
- (n) providing for the cancellation or suspension of the registration of any person found by the Board to be guilty of misconduct or to have been ignorant or incompetent or of any violation of this Act or the regulations;
- (o) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

1949,
c. 13, s. 6,
amended.

5. Section 6 of *The Community Centres Act, 1949* is amended by adding thereto the following subsection:

Composition
of board,
etc., may
be varied.

(4a) Notwithstanding subsections 1 to 5, the Minister may, in order to suit the special needs of any community centre, vary the composition of the board, the procedure under which its members are appointed, the method of filling vacancies thereon, and the term of office of its members.

Rev. Stat.,
c. 103, s. 14,
amended.

6. Section 14 of *The County Courts Act* is amended by striking out the words "one o'clock in the afternoon" in the fourth line and inserting in lieu thereof the words "ten o'clock in the morning", so that the section shall read as follows:

Hour of
sittings.

14. The sittings of the county courts, provided for by subsections 1 and 4 of section 12, and the sittings of the district courts, provided for by section 13, shall not open earlier than ten o'clock in the morning of the first day of the sittings.

Rev. Stat.,
c. 102, s. 4,
amended.

7. Section 4 of *The County Judges Act* is amended by striking out the word "District" in the second line and inserting in lieu thereof the word "Districts" and by inserting after the words "Thunder Bay" in the third line the words "and Sudbury", so that the section shall read as follows:

Junior
judges in
Wentworth,
Carleton,
Middlesex,
Essex,
Thunder
Bay and
Sudbury.

4. A junior judge may be appointed for each of the Counties of Wentworth, Carleton and Middlesex and the Districts of Thunder Bay and Sudbury, and two junior judges may be appointed for the County of Essex.

1940,
c. 7, s. 55,
cl. e,
amended.

8.—(1) Clause *e* of section 55 of *The Credit Unions Act, 1940* is amended by striking out the word "federations" in the first line and inserting in lieu thereof the word "leagues", so that the clause shall read as follows:

(e) controlling and regulating leagues of credit unions;
and

.

Commence-
ment of
section.

(2) This section shall come into force on the day this Act receives the Royal Assent.

Orders under
Rev. Stat.,
c. 211,
validated.

9. No maintenance order heretofore made under *The Deserted Wives' and Children's Maintenance Act* which requires payment on other than a weekly basis and which has not been set aside, revised or modified on appeal or otherwise shall be invalid by reason only that it provides for such payment.

SECTION 5. At present section 6 of *The Community Centres Act, 1949* provides that every community centre shall be under the control and management of a board consisting of two members of the municipal council and five members selected by the council from among the officers of the local organizations for the use of which the centre is established. The amendment will authorize the Minister of Agriculture to vary these provisions to suit the needs of a specific community centre.

SECTION 6. The amendment provides that the county and district courts can open at ten o'clock in the morning of the first day of the sittings instead of one o'clock in the afternoon as formerly.

SECTION 7. The section is amended to allow the appointment of a junior judge in the District of Sudbury.

SECTION 8. Prior to 1942 the Act provided for the formation of federations. In 1942 the Act was amended and the word federation was changed to league. At that time the word "federation" was overlooked in clause *e* and is therefore changed.

SECTION 9. At present maintenance orders may only provide for weekly payments. Evidently orders have contained provisions requiring payments other than on a weekly basis. The section validates such provisions.

SECTION 10. The purpose of the amendments is to replace the words "close season" with the words "fire season" to avoid confusion with the words "close season" used in *The Game and Fisheries Act, 1946*.

SECTION 11—Subsection 1. Self-explanatory.

10.—(1) Section 6 and the heading thereto of *The Forest Fires Prevention Act, 1948* are repealed and the following substituted therefor: c. 32, s. 6, re-enacted.

Fire Season.

6. Subject to the regulations, the period from the 1st day of April to the 31st day of October in each year shall be known as the fire season. Fire season.

(2) Subsections 1 and 3 of section 7 of *The Forest Fires Prevention Act, 1948* are repealed and the following substituted therefor: 1948, c. 32, s. 7, subs. 1, 3, re-enacted.

- (1) Upon application, an officer may issue a permit, called a "fire permit", to set out fire during the fire season. Issue of fire permit.

.

- (3) No person shall set out fire during the fire season for any purpose, other than cooking or obtaining warmth, except under a fire permit. Prohibition against fire except under permit.

(3) Subsection 4 of section 9 of *The Forest Fires Prevention Act, 1948* is repealed and the following substituted therefor: 1948, c. 32, s. 9, subs. 4, re-enacted.

- (4) No person shall enter and travel about or set out fire in a travel permit area during the fire season except under a travel permit. Prohibition.

(4) Subsection 1 of section 21 of *The Forest Fires Prevention Act, 1948* is amended by striking out the word "close" in the first line and inserting in lieu thereof the word "fire", so that the subsection, exclusive of the clauses, shall read as follows: 1948, c. 32, s. 21, subs. 1, amended.

- (1) During the fire season in any year no person, company or corporation in a fire district shall,— Offences.

.

(5) Clause *a* of section 28 of *The Forest Fires Prevention Act, 1948* is repealed and the following substituted therefor: 1948, c. 32, s. 28, cl. a, re-enacted.

- (a) extending or restricting the fire season for any fire district or any part of a fire district in any year to such date as may be deemed necessary.

11.—(1) Section 8 of *The Homes for the Aged Act, 1949* is amended by inserting after the word "Board" in the first line the words "and without the assent of the electors", so that the section shall read as follows: 1949, c. 41, s. 8, amended.

Debentures.

8. Subject to the approval of the Ontario Municipal Board and without the assent of the electors, any municipality may issue debentures for raising such sums as may be necessary for the purchase of a site or the erection of buildings for a home for the aged, or the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings, or for the purpose of any system or works authorized by section 7.

1949,
c. 41, s. 15,
re-enacted.

- (2) Section 15 of *The Homes for the Aged Act, 1949* is repealed and the following substituted therefor:

Provincial
subsidy on
operating
costs, in
counties;

- 15.—(1) There shall be paid out of such moneys as may be voted therefor by the Legislature to every municipality having a home for the aged an amount equal to one-half the amount paid out by the municipality for the operation and maintenance of the home computed in the manner prescribed by the regulations, except that any amount otherwise payable to a county under this subsection shall be paid to each municipality forming part of the county in the proportion that the equalized assessment of the municipality bears to the total equalized assessment of the county.

in districts.

- (2) There shall be paid out of such moneys as may be voted therefor by the Legislature to the municipalities in a district that has a home for the aged an amount equal to one-half the amount paid out by the board having charge of the home for its operation and maintenance computed in the manner prescribed by the regulations, and the amount that shall be paid to each municipality shall be in the same proportion as the contributions of the municipality to the home bears to the total of the contributions made by all municipalities in the district.

Effective
Jan. 1, 1950.

- (3) Subsection 2 shall be deemed to have come into force on the 1st day of January, 1950.

Rev. Stat.,
c. 316, s. 1,
amended.

- 12.** Section 1 of *The Juvenile and Family Courts Act* is amended by adding thereto the following subsection:

Order not
to come
within
1944, c. 52.

- (4) Any order heretofore or hereafter made establishing a juvenile court shall be deemed not to be a regulation within *The Regulations Act, 1944*.

Rev. Stat.,
c. 221, s. 5,
cl. b,
re-enacted.

- 13.** Clause *b* of section 5 of *The Law Society Act*, as amended by subsection 1 of section 1 of *The Law Society Amendment Act, 1944*, is repealed and the following substituted therefor:

Subsection 2. Under the present section the provincial subsidy of one-half operating and maintenance costs of homes for the aged is payable to the county operating the home and in the case of a home in a district, to the board operating the home.

Under the new provisions the subsidy will be paid to the municipalities forming part of the county and in the case of a home in a district, to the municipalities in the district.

SECTION 12. Some question has arisen as to whether or not an order establishing a juvenile court must be filed under *The Regulations Act, 1944*. The amendment makes it clear that the order need not be filed.

SECTION 13. The clause as re-enacted reads as it did prior to the amendment of 1944 and makes those mentioned benchers of the Law Society of Upper Canada.

SECTION 14. A provision to effect this result was inadvertently omitted from *The Mining Tax Amendment Act, 1950* (Bill No. 75).

SECTION 15. The re-enactment provides that the notice of granting old age pensions to be registered in the registry or land titles office may be verified by the signature of a commissioner under the seal of the Commission instead of as formerly by affidavit.

SECTION 16. Corporations licensed under *The Private Detectives Act* already file an annual return under *The Companies Information Act*. Section 8 of *The Private Detectives Act* requires a similar return to be made to the Provincial Secretary and is therefore repealed as unnecessary.

SECTION 17—Subsection 1. The effect of this amendment is to increase the minimum tax from \$2 to \$4 a lot or parcel.

Subsection 2. Section 27 is repealed as corporations paying a tax in a municipality are not given any exemption with respect to municipal taxes and similarly should not be given any exemption with regard to taxation under *The Provincial Land Tax Act*.

SECTION 18. This amendment ensures that the operation of public vehicles will be subject to the provisions of *The Public Vehicle Act, 1949* even though the operation may be authorized by a private Act.

- (b) The Attorney General for Ontario, and every person who has held that office.

14.—(1) *The Mining Tax Amendment Act, 1950* shall be deemed to have come into force on the 1st day of January, 1950. Commencement of Act.

(2) This section shall come into force on the day this Act receives the Royal Assent. Idem.

15.—(1) Subsection 2 of section 13 of *The Old Age Pensions Act, 1948* is repealed and the following substituted therefor: 1948, c. 64, s. 13, subs. 2, re-enacted.

- (2) The notice shall be in duplicate, signed by a member of the Commission, and sealed with the seal of the Commission approved by the Minister for use by the Commission. Notice.

(2) Form 2 of the Schedule of Forms to *The Old Age Pensions Act, 1948* is repealed. 1948, c. 64, Form 2, repealed.

16. Section 8 of *The Private Detectives Act* is repealed. Rev. Stat., c. 245, s. 8, repealed.

17.—(1) Subsection 3 of section 5 of *The Provincial Land Tax Act* is amended by striking out the symbol and figure "\$2" where they occur in the third and eighth lines respectively and inserting in lieu thereof the symbol and figure "\$4" and by striking out the words "one hundred acres" where they occur in the seventh, eighth and tenth lines respectively and inserting in lieu thereof the words "two hundred acres", so that the subsection shall read as follows: Rev. Stat., c. 30, s. 5, subs. 3, amended.

- (3) There shall be payable in respect of all land the owner of which is liable to taxation under this Act, a tax of not less than \$4 on each parcel or lot, or where a parcel or lot has been divided or subdivided, on each separate portion into which such land has been divided or subdivided, and where such land has not been divided or subdivided and the total area thereof exceeds two hundred acres, the tax thereon shall not be less than \$4 on each two hundred acres nor less than two cents an acre on any or all acreage in excess of two hundred acres. Amount of tax.

(2) Section 27 of *The Provincial Land Tax Act* is repealed. Rev. Stat., c. 30, s. 27, repealed.

18.—(1) Subsection 1 of section 2 of *The Public Vehicle Act, 1949* is amended by adding at the commencement thereof the words "Notwithstanding the provisions of any private Act", so that the subsection shall read as follows: 1949, c. 86, s. 2, subs. 1, amended.

Operating
licence
required.

- (1) Notwithstanding the provisions of any private Act, no person shall conduct upon a highway by means of a public vehicle the business of a carrier of passengers or passengers and express freight except under an operating licence.

1949,
c. 86, s. 2,
subs. 2,
amended.

- (2) Subsection 2 of the said section 2 is amended by adding at the commencement thereof the words "Notwithstanding the provisions of any private Act", so that the subsection shall read as follows:

Vehicle
licence
required.

- (2) Notwithstanding the provisions of any private Act, no person shall operate a public vehicle unless such vehicle is licensed as a public vehicle under this Act.

Commence-
ment of
section.

- (3) This section shall come into force on the day this Act receives the Royal Assent.

Rev. Stat.,
c. 259, s. 210,
repealed.

- 19.** Section 210 of *The Railway Act* is repealed.

Rev. Stat.,
c. 170,
amended.

- 20.** *The Registry Act* is amended by adding thereto the following section:

Size of
instruments.

- 31a.** After the 1st day of July, 1951, no instrument with dimensions greater than eight and one-half inches by fourteen inches shall be registered.

1944,
c. 52, s. 5,
amended.

- 21.** Section 5 of *The Regulations Act, 1944*, as amended by subsection 3 of section 9 of *The Statute Law Amendment Act, 1947 (No. 2)*, is further amended by adding thereto the following subsection:

Filing of
maps or
plans.

- (3) Where a map or plan,—

- (a) forms part of a regulation for the purpose of illustrating a description of land; and
- (b) is identified in the regulation by a number given to it by the Registrar,

and the regulation states that the map or plan is filed in the office of the Registrar, he may in his discretion file the map or plan in his office in numerical order and no publication of the map or plan shall be necessary.

Commence-
ment of
section.

- (2) This section shall come into force on the day this Act receives the Royal Assent.

1949,
c. 89, s. 4,
subs. 1,
cls. a, b,
re-enacted.

- 22.**—(1) Clauses *a* and *b* of subsection 1 of section 4 of *The Regulations Consolidation Act, 1949* are repealed and the following substituted therefor:

SECTION 19. Section 210 provided maximum rates on electric railways and is now out of date.

SECTION 20. The amendment is designed to make standard the size of instruments that are registered under *The Registry Act*. The size generally used at the present time is 8½ inches by 14 inches.

SECTION 21. The new subsection provides for the filing of maps or plans forming part of a regulation under *The Regulations Act, 1944*, and which are not capable of being published in *The Ontario Gazette*.

SECTION 22. The purpose of these amendments is to avoid the necessity of publishing regulations that are not of a general public nature, regulations that are revoked, and the like in the Consolidated Regulations of Ontario, 1950.

SECTION 23. Section 11 is re-enacted to bring the practice with respect to the annual report into line with the uniform practice adopted by the Department of the Provincial Secretary.

- (a) a schedule marked "Schedule A" showing the regulations filed under *The Regulations Act, 1944*, that are revoked in whole or in part from the day upon which the Consolidated Regulations of Ontario, 1950, take effect and the extent of the revocation; and
- (b) a schedule marked "Schedule B" showing the regulations and parts of regulations that are revoked, repealed and superseded other than those in the Consolidated Regulations of Ontario, 1950, and showing the regulations and parts of regulations that are not consolidated.

(2) Subsection 2 of section 5 of *The Regulations Consolidation Act, 1949* is repealed and the following substituted therefor: 1949, c. 89, s. 5, subs. 2, re-enacted.

- (2) On and after the day named in subsection 1 the Effect. several regulations and parts of regulations in Schedule A of the Roll shall be revoked to the extent mentioned in the schedule.

(3) Section 6 of *The Regulations Consolidation Act, 1949* is 1949, c. 89, s. 6, amended. amended by inserting after the word "reference" in the first line the words "in any unrevoked or unconsolidated regulations or", so that the section shall read as follows:

- 6. Any reference in any unrevoked or unconsolidated Reference to regulations or in any instrument or document to revoked any regulations revoked and consolidated shall, regulations after the Consolidated Regulations of Ontario, 1950, in instru- come into force, be held, as regards any subsequent ments or transaction, matter or thing, to be a reference to the documents. regulations in the Consolidated Regulations having the same effect as such revoked and consolidated regulations.

23. Section 11 of *The Research Council Act, 1948* is repealed 1948, c. 79, s. 11, re-enacted. and the following substituted therefor:

- 11.—(1) The Council shall after the close of each fiscal Annual year file with the Minister and with the Provincial report. Secretary an annual report which shall include a financial statement, a description of the work of the Council for the previous year and such other information as may be required by the Minister.
- (2) The Provincial Secretary shall submit the report to Tabling the Lieutenant-Governor in Council and shall then of report. lay the report before the Assembly, if it is then in session, or if not, at the next ensuing session.

1947,
c. 98, s. 42,
subs. 4,
repealed.

24.—(1) Subsection 4 of section 42 of *The Securities Act, 1947* is repealed.

1947,
c. 98, s. 43,
subs. 1,
cl. n,
amended.

(2) Clause *n* of subsection 1 of section 43 of *The Securities Act, 1947* is amended by inserting after the word "and" in the third line the words "particulars of sub-option agreements or sub-underwriting agreements outstanding or proposed to be given and particulars of any assignments or proposed assignments of any such agreements and", so that the clause shall read as follows:

- (*n*) the particulars of the securities, if any, covered by option agreements or underwriting agreements outstanding or proposed to be given and particulars of sub-option agreements or sub-underwriting agreements outstanding or proposed to be given and particulars of any assignments or proposed assignments of any such agreements and the price or prices at which and the date or dates by which such option agreements or underwriting agreements must be exercised, showing the name of the optionee and where the optionee is a company, syndicate or partnership, the names of all persons having more than five per centum interest therein, and the name and address of the person for or on whose behalf the option agreement or underwriting agreement has been entered into.

1947, c. 98,
amended.

(3) *The Securities Act, 1947* is amended by adding thereto the following sections:

Information
may be in
respect of
one or more
offences.

- 69*a*. An information or complaint in respect of any contravention of this Act may be for one or more offences and no information, complaint, summons, warrant, conviction or other proceedings in any such prosecution shall be objectionable or insufficient by reason of the fact that it relates to two or more offences.

.

No proceed-
ings against
persons in
respect of
anything
done or
omitted in
compliance
with this
Act, etc.

- 74*a*. No person or company shall have any rights or remedies and no proceedings shall lie or be brought against any person or company in respect of any act or omission of the last-mentioned person or company done or omitted in compliance or intended compliance with,—

- (*a*) any requirement, order or direction under this Act of,

SECTION 24—Subsection 1. As the Commission has no way of supervising the old syndicate agreements outstanding, subsection 4 of section 42 is deleted.

Subsection 2. The amendment is to ensure full disclosure in a prospectus of particulars in respect of sub-option agreements and assignments of agreements.

Subsection 3. At present only one offence can be included in an information. Many breaches of *The Securities Act, 1947* are multifarious so in order to save time and lower expenses section 69*a* is added to the Act providing for the inclusion of one or more offences in an information.

The new section 74*a* is to insure that persons and companies who must comply with any requirement, order or direction pursuant to this Act are protected in respect of proceedings which might be brought by reason of such compliance.

Subsection 4. The section is brought into force on April the 1st, which is the beginning of the fiscal year of the Commission.

SECTION 25. These amendments remove a number of obsolete provisions that pertain to the filing of articles of clerkship by law students. The purpose is to bring these very old sections into accord with what has been the practice for many years.

- (i) the Commission or any member thereof,
- (ii) the registrar,
- (iii) any person appointed by order of the Attorney General,
- (iv) the Attorney General,
- (v) any representative of the Attorney General, the Commission, registrar or of any person appointed by the Attorney General; or

(b) this Act and the regulations.

(4) This section shall be deemed to have come into force on the 1st day of April, 1950. Commence-
ment of
section.

25.—(1) Clauses *a* and *b* of section 8 of *The Solicitors Act* are repealed. Rev. Stat.,
c. 223, s. 8,
cls. *a*, *b*,
repealed.

(2) Clause *c* of the said section 8 is amended by striking out the words “nor while the solicitor is employed as a writer or clerk by any other solicitor” in the fourth, fifth and sixth lines, so that the clause shall read as follows: Rev. Stat.,
c. 223, s. 8,
cl. *c*,
amended.

(c) A solicitor may have under contract in writing four students at one time and no more, and no solicitor shall have any student so bound after he has discontinued practice as a solicitor, and the service by an articled clerk to a solicitor under any such circumstances shall not be deemed good service under the articles. Practising
solicitor
may have
four
articled
clerks and
no more.

(3) Clause *e* of the said section 8 is amended by striking out the words “if an affidavit of the execution of such last mentioned contract is duly made and filed within the time and in the manner hereinbefore prescribed, and subject to the like regulations as in the case of the original contract and the affidavit of its execution” in the tenth to fifteenth lines, so that the clause shall read as follows: Rev. Stat.,
c. 223, s. 8,
cl. *e*,
amended.

(e) If a solicitor, to whom a student has been so bound, dies before the expiration of the term for which the clerk became bound, or if he discontinues practice as a solicitor, or if the contract is by the consent of the parties cancelled, or if the student is legally discharged before the expiration of the term by an order of the Court, the student may be bound by another contract in writing to serve as student to Case of
death, etc.
of solicitor
to whom
clerk
articled.

any other practising solicitor during the residue of the term, and due service under such subsequent contract shall be sufficient.

Rev. Stat.,
c. 223, s. 14,
item 1,
repealed.

(4) Item 1 of section 14 of *The Solicitors Act* is repealed.

1949,
c. 96, s. 5,
subs. 1, cl. a,
amended.

26. Clause *a* of subsection 1 of section 5 of *The Statutes Consolidation Act, 1949* is amended by striking out the figures "1950" in the fourth line and inserting in lieu thereof the figures "1937", so that the clause shall read as follows:

- (a) a schedule marked "Schedule A" similar in form to Schedule A appended to the Revised Statutes of Ontario, 1937, showing the Acts contained in the Revised Statutes of Ontario, 1937, and the other Acts that are repealed in whole or in part from the day upon which the Revised Statutes of Ontario, 1950, take effect and the extent of such repeal; and

.

1944,
c. 59, s. 4,
subs. 3
(1946,
c. 89, s. 42,
subs. 2),
re-enacted.

27.—(1) Subsection 3 of section 4 of *The Stock Yards Act, 1944*, as re-enacted by subsection 2 of section 42 of *The Statute Law Amendment Act, 1946*, is repealed and the following substituted therefor:

General
objects and
powers.
Rev. Stat.,
c. 251.

- (3) The Board shall have the powers set out in sections 24 and 25 of *The Companies Act*.

Commence-
ment of
section.

- (2) This section shall be deemed to have come into force on the 12th day of May, 1944.

1944, c. 67,
amended.

28. *The Wartime Housing Act, 1944* is amended by adding thereto the following section:

Central
Mortgage
and Housing
Corporation,
agreements.

- 2a. Notwithstanding any other Act, the council of a local municipality may by by-law authorize an agreement between the municipal corporation and Central Mortgage and Housing Corporation for fixing the amount of money that shall be paid annually during the lifetime of the agreement by Central Mortgage and Housing Corporation to the municipal corporation in lieu of taxes that otherwise would be payable in respect of land owned, vested in or otherwise controlled by Central Mortgage and Housing Corporation and occupied by tenants, and all the provisions of this Act shall, *mutatis mutandis*, apply with respect to any such by-law or agreement.

O.Reg.
149/49,
effective
date.

29.—(1) Ontario Regulations 149/49 amending Ontario Regulations 236/48 and revoking Ontario Regulations 62/49, shall have effect as of the 1st day of May, 1949.

SECTION 26. Correction of error.

SECTION 27. Some doubt has arisen as to the power of the Ontario Stock Yards Board to dispose of real property. The re-enactment makes it clear that the Board has such power. The subsection is made retroactive to the 12th day of May, 1944, which is the date the Board was established, to remove any cloud on title to property heretofore disposed of by the Board.

SECTION 28. This new provision will authorize municipalities to enter into agreements with Central Mortgage and Housing Corporation respecting payment of taxes on land owned, vested in or controlled by that Corporation, and occupied by tenants. The tenants' rights to vote will not be affected by the agreements.

SECTION 29. The effective date of Ontario Regulations 149/49 made under *The Old Age Pensions Act, 1948* is fixed as the 1st day of May, 1949, being the day on which the present Canada-Ontario agreement took effect.

(2) All payments heretofore made under Ontario Regulations 236/48 or 62/49 are hereby confirmed and validated. Payments validated.

30. This Act may be cited as *The Statute Law Amendment Act, 1950*. Short title.

BILL

The Statute Law Amendment Act, 1950.

1st Reading

April 3rd, 1950

2nd Reading

3rd Reading

MR. PORTER

No. 145

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

The Statute Law Amendment Act, 1950.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Statute Law Amendment Act, 1950.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Adoption Act* is repealed.

Rev. Stat.,
c. 218, s. 11,
repealed.

2. Subsection 1 of section 6 of *The Charities Accounting Act*, as amended by subsection 1 of section 5 of *The Statute Law Amendment Act, 1941*, is further amended by striking out all the words in the first two lines and inserting in lieu thereof the words "The Lieutenant-Governor in Council may make regulations", so that subsection 1, exclusive of the clauses, shall read as follows:

Rev. Stat.,
c. 167, s. 6,
subs. 1,
amended.

- (1) The Lieutenant-Governor in Council may make Regulations.
regulations,—

.

3.—(1) Subsection 11 of section 10 of *The Children's Protection Act*, as enacted by section 3 of *The Children's Protection Amendment Act, 1949*, is amended by adding at the end thereof the words "except that where the order is made against a county the amount otherwise payable to the county under this subsection shall be paid to each municipality forming part of the county in the proportion that the equalized assessment of the municipality bears to the total equalized assessment of the county", so that the subsection shall read as follows:

Rev. Stat.,
c. 312, s. 10,
subs. 11
(1949,
c. 11, s. 3),
amended.

- (11) Where an order is made against a municipality under subsection 1 there shall be paid to the municipality an amount equal to twenty-five per centum of the amount of the net expenditures of the municipality under such order, except that where the order is made against a county the amount otherwise payable to the county under this subsection shall be paid to each municipality forming part of the county

Provincial
aid to
maintenance
of children.

in the proportion that the equalized assessment of the municipality bears to the total equalized assessment of the county.

Effective
Jan. 1st,
1950.

(2) Subsection 1 shall be deemed to have come into force on the 1st day of January, 1950.

1944,
c. 11, s. 3,
re-enacted.

4. Section 3 of *The Chiropody Act, 1944* is repealed and the following substituted therefor:

Regulations.

3. The Board, with the approval of the Lieutenant-Governor in Council, may make regulations,—

- (a) for the admission of chiropodists to practise in Ontario and for the registration of all persons so admitted and the issuing of certificates of registration;
- (b) prescribing the training and qualifications of persons so to be admitted and the proofs to be furnished as to education and good character;
- (c) providing for approval of schools, colleges or universities, and prescribing educational standards, methods and hours of training and instruction facilities, and other requirements for approved schools, colleges or universities;
- (d) providing for the appointment of examiners and the examination and re-examination of applicants for registration as chiropodists, prescribing the subjects for examination, the minimum standards to be obtained on examination or re-examination, and the fees to be paid on examination and re-examination;
- (e) for maintaining a register of persons so admitted to practise, and providing for the annual renewal of registration and prescribing the fees to be paid therefor;
- (f) providing for the holding of meetings of the Board, the business to be transacted thereat, quorum, the powers and duties of the Board and of the chairman, the vice-chairman and the secretary-treasurer of the Board;
- (g) providing for the payment of a per diem allowance and an allowance for travelling and living expenses to members of the Board while engaged on business of the Board, and

payment of compensation to the secretary-treasurer of the Board in lieu of a per diem allowance;

- (h) providing for the employment of such persons or services as may be required and for the payment of salaries, fees and expenses and generally for payment out of funds at the disposal of the Board;
- (i) prescribing the books and records to be kept by the Board;
- (j) providing for the auditing of the books and accounts of the Board;
- (k) prescribing the discipline and control of, and regulating the manner of carrying on business by, registered chiropodists;
- (l) designating and regulating the manner in which any person registered under this Act may describe his qualification or occupation and prohibiting the use of any title, affix or prefix which in the opinion of the Board is calculated to mislead the public as to the qualification of any such person and for allowing the use of any affix or prefix not forbidden by section 49 of *The Medical Act* which in the Rev. Stat., c. 225. opinion of the Board will correctly describe the qualification or occupation of such person;
- (m) providing for the investigation of any complaint that a registered chiropodist has been guilty of misconduct or displayed such ignorance or incompetence as to render it desirable in the public interest that his registration should be cancelled or suspended;
- (n) providing for the cancellation or suspension of the registration of any person found by the Board to be guilty of misconduct or to have been ignorant or incompetent or of any violation of this Act or the regulations;
- (o) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Rev. Stat.,
c. 103, s. 14,
amended.

5. Section 14 of *The County Courts Act* is amended by striking out the words "one o'clock in the afternoon" in the fourth line and inserting in lieu thereof the words "ten o'clock in the morning", so that the section shall read as follows:

Hour of
sittings.

14. The sittings of the county courts, provided for by subsections 1 and 4 of section 12, and the sittings of the district courts, provided for by section 13, shall not open earlier than ten o'clock in the morning of the first day of the sittings.

Rev. Stat.,
c. 102, s. 4,
amended.

6. Section 4 of *The County Judges Act* is amended by striking out the word "District" in the second line and inserting in lieu thereof the word "Districts" and by inserting after the words "Thunder Bay" in the third line the words "and Sudbury", so that the section shall read as follows:

Junior
judges in
Wentworth,
Carleton,
Middlesex,
Essex,
Thunder
Bay and
Sudbury.

4. A junior judge may be appointed for each of the Counties of Wentworth, Carleton and Middlesex and the Districts of Thunder Bay and Sudbury, and two junior judges may be appointed for the County of Essex.

1940,
c. 7, s. 55,
cl. e,
amended.

7.—(1) Clause *e* of section 55 of *The Credit Unions Act, 1940* is amended by striking out the word "federations" in the first line and inserting in lieu thereof the word "leagues", so that the clause shall read as follows:

(e) controlling and regulating leagues of credit unions;
and

.

Commence-
ment of
section.

(2) This section shall come into force on the day this Act receives the Royal Assent.

Orders under
Rev. Stat.,
c. 211,
validated.

8. No maintenance order heretofore made under *The Deserted Wives' and Children's Maintenance Act* which requires payment on other than a weekly basis and which has not been set aside, revised or modified on appeal or otherwise shall be invalid by reason only that it provides for such payment.

1948,
c. 32, s. 6,
re-enacted.

9.—(1) Section 6 and the heading thereto of *The Forest Fires Prevention Act, 1948* are repealed and the following substituted therefor:

Fire Season.

Fire
season.

6. Subject to the regulations, the period from the 1st day of April to the 31st day of October in each year shall be known as the fire season.

(2) Subsections 1 and 3 of section 7 of *The Forest Fires Prevention Act, 1948* are repealed and the following substituted therefor: 1948, c. 32, s. 7, subs. 1, 3, re-enacted.

- (1) Upon application, an officer may issue a permit, called a "fire permit", to set out fire during the fire season. Issue of fire permit.

.

- (3) No person shall set out fire during the fire season for any purpose, other than cooking or obtaining warmth, except under a fire permit. Prohibition against fire except under permit.

(3) Subsection 4 of section 9 of *The Forest Fires Prevention Act, 1948* is repealed and the following substituted therefor: 1948, c. 32, s. 9, subs. 4, re-enacted.

- (4) No person shall enter and travel about or set out fire in a travel permit area during the fire season except under a travel permit. Prohibition.

(4) Subsection 1 of section 21 of *The Forest Fires Prevention Act, 1948* is amended by striking out the word "close" in the first line and inserting in lieu thereof the word "fire", so that the subsection, exclusive of the clauses, shall read as follows: 1948, c. 32, s. 21, subs. 1, amended.

- (1) During the fire season in any year no person, company or corporation in a fire district shall,— Offences.

.

(5) Clause *a* of section 28 of *The Forest Fires Prevention Act, 1948* is repealed and the following substituted therefor: 1948, c. 32, s. 28, cl. a, re-enacted.

- (a) extending or restricting the fire season for any fire district or any part of a fire district in any year to such date as may be deemed necessary.

10.—(1) Section 8 of *The Homes for the Aged Act, 1949* is amended by inserting after the word "Board" in the first line the words "and without the assent of the electors", so that the section shall read as follows: 1949, c. 41, s. 8, amended.

8. Subject to the approval of the Ontario Municipal Board and without the assent of the electors, any municipality may issue debentures for raising such sums as may be necessary for the purchase of a site or the erection of buildings for a home for the aged, or the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings, or for the purpose of any system or works authorized by section 7. Debentures.

1949,
c. 41, s. 15,
re-enacted.

(2) Section 15 of *The Homes for the Aged Act, 1949* is repealed and the following substituted therefor:

Provincial
subsidy on
operating
costs, in
counties;

15.—(1) There shall be paid out of such moneys as may be voted therefor by the Legislature to every municipality having a home for the aged an amount equal to one-half the amount paid out by the municipality for the operation and maintenance of the home computed in the manner prescribed by the regulations, except that any amount otherwise payable to a county under this subsection shall be paid to each municipality forming part of the county in the proportion that the equalized assessment of the municipality bears to the total equalized assessment of the county.

in districts.

(2) There shall be paid out of such moneys as may be voted therefor by the Legislature to the municipalities in a district that has a home for the aged an amount equal to one-half the amount paid out by the board having charge of the home for its operation and maintenance computed in the manner prescribed by the regulations, and the amount that shall be paid to each municipality shall be in the same proportion as the contributions of the municipality to the home bears to the total of the contributions made by all municipalities in the district.

Effective
Jan. 1, 1950.

(3) Subsection 2 shall be deemed to have come into force on the 1st day of January, 1950.

Rev. Stat.,
c. 316, s. 1,
amended.

11. Section 1 of *The Juvenile and Family Courts Act* is amended by adding thereto the following subsection:

Order not
to come
within
1944, c. 52.

(4) Any order heretofore or hereafter made establishing a juvenile court shall be deemed not to be a regulation within *The Regulations Act, 1944*.

Rev. Stat.,
c. 221, s. 5,
cl. b,
re-enacted.

12. Clause *b* of section 5 of *The Law Society Act*, as amended by subsection 1 of section 1 of *The Law Society Amendment Act, 1944*, is repealed and the following substituted therefor:

(b) The Attorney General for Ontario, and every person who has held that office.

Commence-
ment of
1950, c. 45.

13.—(1) *The Mining Tax Amendment Act, 1950* shall be deemed to have come into force on the 1st day of January, 1950.

Commence-
ment of
section.

(2) This section shall come into force on the day this Act receives the Royal Assent.

14.—(1) Subsection 2 of section 13 of *The Old Age Pensions Act, 1948* is repealed and the following substituted therefor: 1948, c. 64, s. 13, subs. 2, re-enacted.

(2) The notice shall be in duplicate, signed by a member of the Commission, and sealed with the seal of the Commission approved by the Minister for use by the Commission. Notice.

(2) Form 2 of the Schedule of Forms to *The Old Age Pensions Act, 1948* is repealed. 1948, c. 64, Form 2, repealed.

15. Section 8 of *The Private Detectives Act* is repealed. Rev. Stat., c. 245, s. 8, repealed.

16.—(1) Subsection 3 of section 5 of *The Provincial Land Tax Act* is amended by striking out the symbol and figure "\$2" where they occur in the third and eighth lines respectively and inserting in lieu thereof the symbol and figure "\$4" and by striking out the words "one hundred acres" where they occur in the seventh, eighth and tenth lines respectively and inserting in lieu thereof the words "two hundred acres", so that the subsection shall read as follows: Rev. Stat., c. 30, s. 5, subs. 3, amended.

(3) There shall be payable in respect of all land the owner of which is liable to taxation under this Act, a tax of not less than \$4 on each parcel or lot, or where a parcel or lot has been divided or subdivided, on each separate portion into which such land has been divided or subdivided, and where such land has not been divided or subdivided and the total area thereof exceeds two hundred acres, the tax thereon shall not be less than \$4 on each two hundred acres nor less than two cents an acre on any or all acreage in excess of two hundred acres. Amount of tax.

(2) Section 27 of *The Provincial Land Tax Act* is repealed. Rev. Stat., c. 30, s. 27, repealed.

17.—(1) Subsection 1 of section 2 of *The Public Vehicle Act, 1949* is amended by adding at the commencement thereof the words "Notwithstanding the provisions of any private Act", so that the subsection shall read as follows: 1949, c. 86, s. 2, subs. 1, amended.

(1) Notwithstanding the provisions of any private Act, no person shall conduct upon a highway by means of a public vehicle the business of a carrier of passengers or passengers and express freight except under an operating licence. Operating licence required.

(2) Subsection 2 of the said section 2 is amended by adding at the commencement thereof the words "Notwithstanding the provisions of any private Act", so that the subsection shall read as follows: 1949, c. 86, s. 2, subs. 2, amended.

Vehicle
licence
required.

- (2) Notwithstanding the provisions of any private Act, no person shall operate a public vehicle unless such vehicle is licensed as a public vehicle under this Act.

Commence-
ment of
section.

- (3) This section shall come into force on the day this Act receives the Royal Assent.

Rev. Stat.,
c. 259, s. 210,
repealed.

- 18.** Section 210 of *The Railway Act* is repealed.

Rev. Stat.,
c. 170,
amended.

- 19.** *The Registry Act* is amended by adding thereto the following section:

Size of
instruments.

- 31a.** After the 1st day of July, 1951, no instrument with dimensions greater than eight and one-half inches by fourteen inches shall be registered.

1944,
c. 52, s. 5,
amended.

- 20.** Section 5 of *The Regulations Act, 1944*, as amended by subsection 3 of section 9 of *The Statute Law Amendment Act, 1947 (No. 2)*, is further amended by adding thereto the following subsection:

Filing of
maps or
plans.

- (3) Where a map or plan,—

- (a) forms part of a regulation for the purpose of illustrating a description of land; and
- (b) is identified in the regulation by a number given to it by the Registrar,

and the regulation states that the map or plan is filed in the office of the Registrar, he may in his discretion file the map or plan in his office in numerical order and no publication of the map or plan shall be necessary.

Commence-
ment of
section.

- (2) This section shall come into force on the day this Act receives the Royal Assent.

1949,
c. 89, s. 4,
subs. 1,
cls. a, b,
re-enacted.

- 21.—(1)** Clauses *a* and *b* of subsection 1 of section 4 of *The Regulations Consolidation Act, 1949* are repealed and the following substituted therefor:

- (a) a schedule marked "Schedule A" showing the regulations filed under *The Regulations Act, 1944*, that are revoked in whole or in part from the day upon which the Consolidated Regulations of Ontario, 1950, take effect and the extent of the revocation; and
- (b) a schedule marked "Schedule B" showing the regulations and parts of regulations that are revoked, repealed and superseded other than those in the

Consolidated Regulations of Ontario, 1950, and showing the regulations and parts of regulations that are not consolidated.

(2) Subsection 2 of section 5 of *The Regulations Consolidation Act, 1949* is repealed and the following substituted therefor; ^{1949, c. 89, s. 5, subs. 2, re-enacted.}

(2) On and after the day named in subsection 1 the ^{Effect.} several regulations and parts of regulations in Schedule A of the Roll shall be revoked to the extent mentioned in the schedule.

(3) Section 6 of *The Regulations Consolidation Act, 1949* is ^{1949, c. 89, s. 6, amended.} amended by inserting after the word "reference" in the first line the words "in any unrevoked or unconsolidated regulations or", so that the section shall read as follows:

6. Any reference in any unrevoked or unconsolidated regulations or in any instrument or document to ^{Reference to revoked regulations in instruments or documents.} any regulations revoked and consolidated shall, after the Consolidated Regulations of Ontario, 1950, come into force, be held, as regards any subsequent transaction, matter or thing, to be a reference to the regulations in the Consolidated Regulations having the same effect as such revoked and consolidated regulations.

22. Section 11 of *The Research Council Act, 1948* is repealed ^{1948, c. 79, s. 11, re-enacted.} and the following substituted therefor:

11.—(1) The Council shall after the close of each fiscal year file with the Minister and with the Provincial Secretary an annual report which shall include a financial statement, a description of the work of the Council for the previous year and such other information as may be required by the Minister. ^{Annual report.}

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is then in session, or if not, at the next ensuing session. ^{Tabling of report.}

23.—(1) Subsection 4 of section 42 of *The Securities Act, 1947* is repealed. ^{1947, c. 98, s. 42, subs. 4, repealed.}

(2) Clause *n* of subsection 1 of section 43 of *The Securities Act, 1947* is amended by inserting after the word "and" in the third line the words "particulars of sub-option agreements or sub-underwriting agreements outstanding or proposed to be given and particulars of any assignments or proposed assignments of any such agreements and", so that the clause shall read as follows: ^{1947, c. 98, s. 43, subs. 1, cl. n, amended.}

- (n) the particulars of the securities, if any, covered by option agreements or underwriting agreements outstanding or proposed to be given and particulars of sub-option agreements or sub-underwriting agreements outstanding or proposed to be given and particulars of any assignments or proposed assignments of any such agreements and the price or prices at which and the date or dates by which such option agreements or underwriting agreements must be exercised, showing the name of the optionee and where the optionee is a company, syndicate or partnership, the names of all persons having more than five per centum interest therein, and the name and address of the person for or on whose behalf the option agreement or underwriting agreement has been entered into.

1947, c. 98,
amended.

(3) *The Securities Act, 1947* is amended by adding thereto the following sections:

Information
may be in
respect of
one or more
offences.

- 69a. An information or complaint in respect of any contravention of this Act may be for one or more offences and no information, complaint, summons, warrant, conviction or other proceedings in any such prosecution shall be objectionable or insufficient by reason of the fact that it relates to two or more offences.

.

No proceed-
ings against
persons in
respect of
anything
done or
omitted in
compliance
with this
Act, etc.

- 74a. No person or company shall have any rights or remedies and no proceedings shall lie or be brought against any person or company in respect of any act or omission of the last-mentioned person or company done or omitted in compliance or intended compliance with,—

(a) any requirement, order or direction under this Act of,

- (i) the Commission or any member thereof,
- (ii) the registrar,
- (iii) any person appointed by order of the Attorney General,
- (iv) the Attorney General,
- (v) any representative of the Attorney General, the Commission, registrar or of any person appointed by the Attorney General; or

(b) this Act and the regulations.

(4) This section shall be deemed to have come into force on the 1st day of April, 1950. Commencement of section.

24.—(1) Clauses *a* and *b* of section 8 of *The Solicitors Act* are repealed. Rev. Stat., c. 223, s. 8, cls. *a*, *b*, repealed.

(2) Clause *c* of the said section 8 is amended by striking out the words “nor while the solicitor is employed as a writer or clerk by any other solicitor” in the fourth, fifth and sixth lines, so that the clause shall read as follows: Rev. Stat., c. 223, s. 8, cl. *c*, amended.

(*c*) A solicitor may have under contract in writing four students at one time and no more, and no solicitor shall have any student so bound after he has discontinued practice as a solicitor, and the service by an articled clerk to a solicitor under any such circumstances shall not be deemed good service under the articles. Practising solicitor may have four articled clerks and no more.

(3) Clause *e* of the said section 8 is amended by striking out the words “if an affidavit of the execution of such last mentioned contract is duly made and filed within the time and in the manner hereinbefore prescribed, and subject to the like regulations as in the case of the original contract and the affidavit of its execution” in the tenth to fifteenth lines, so that the clause shall read as follows: Rev. Stat., c. 223, s. 8, cl. *e*, amended.

(*e*) If a solicitor, to whom a student has been so bound, dies before the expiration of the term for which the clerk became bound, or if he discontinues practice as a solicitor, or if the contract is by the consent of the parties cancelled, or if the student is legally discharged before the expiration of the term by an order of the Court, the student may be bound by another contract in writing to serve as student to any other practising solicitor during the residue of the term, and due service under such subsequent contract shall be sufficient. Case of death, etc. of solicitor to whom clerk articulated.

(4) Item 1 of section 14 of *The Solicitors Act* is repealed. Rev. Stat., c. 223, s. 14, item 1, repealed.

25. Clause *a* of subsection 1 of section 5 of *The Statutes Consolidation Act, 1949* is amended by striking out the figures “1950” in the fourth line and inserting in lieu thereof the figures “1937”, so that the clause shall read as follows: 1949, c. 96, s. 5, subs. 1, cl. *a*, amended.

(*a*) a schedule marked “Schedule A” similar in form to Schedule A appended to the Revised Statutes of Ontario, 1937, showing the Acts contained in the Revised Statutes of Ontario, 1937, and the other Acts that are repealed in whole or in part from the

day upon which the Revised Statutes of Ontario, 1950, take effect and the extent of such repeal; and

.

1944,
c. 59, s. 4,
subs. 3
(1946,
c. 89, s. 42,
subs. 2),
re-enacted.

26.—(1) Subsection 3 of section 4 of *The Stock Yards Act, 1944*, as re-enacted by subsection 2 of section 42 of *The Statute Law Amendment Act, 1946*, is repealed and the following substituted therefor:

General
objects and
powers.
Rev. Stat.,
c. 251.

(3) The Board shall have the powers set out in sections 24 and 25 of *The Companies Act*.

Commence-
ment of
section.

(2) This section shall be deemed to have come into force on the 12th day of May, 1944.

1944, c. 67,
amended.

27. *The Wartime Housing Act, 1944* is amended by adding thereto the following section:

Central
Mortgage
and Housing
Corporation,
agreements.

2a. Notwithstanding any other Act, the council of a local municipality may by by-law authorize an agreement between the municipal corporation and Central Mortgage and Housing Corporation for fixing the amount of money that shall be paid annually during the lifetime of the agreement by Central Mortgage and Housing Corporation to the municipal corporation in lieu of taxes that otherwise would be payable in respect of land owned, vested in or otherwise controlled by Central Mortgage and Housing Corporation and occupied by tenants, and all the provisions of this Act shall, *mutatis mutandis*, apply with respect to any such by-law or agreement.

O.Reg.
149/49,
effective
date.

28.—(1) Ontario Regulations 149/49 amending Ontario Regulations 236/48 and revoking Ontario Regulations 62/49, shall have effect as of the 1st day of May, 1949.

Payments
validated.

(2) All payments heretofore made under Ontario Regulations 236/48 or 62/49 are hereby confirmed and validated.

Short title.

29. This Act may be cited as *The Statute Law Amendment Act, 1950*.

BILL

The Statute Law Amendment Act, 1950.

1st Reading

April 3rd, 1950

2nd Reading

April 4th, 1950

3rd Reading

April 6th, 1950

MR. PORTER

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Rights of Labour Act, 1944.

MR. DALEY

EXPLANATORY NOTE

The Bill is complementary to Bill No. 82, *The Labour Relations Act*, 1950.

No. 146

1950

BILL

An Act to amend The Rights of Labour Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 3 of *The Rights of Labour Act, 1944*, as amended by subsection 1 of section 13 of *The Statute Law Amendment Act, 1949*, is further amended by striking out the words and figures "*The Labour Relations Act, 1948*" in the amendment of 1949 and inserting in lieu thereof the words and figures "*The Labour Relations Act, 1950*", so that the subsection shall read as follows:

1944,
c. 54, s. 3,
subs. 2,
amended.

(2) A trade union shall not be made a party to any action in any court unless such trade union may be so made a party irrespective of any of the provisions of this Act or of *The Labour Relations Act, 1950*.

Trade union, — party to action.
1950, c. ...

(2) Subsection 3 of the said section 3, as amended by subsection 2 of section 13 of *The Statute Law Amendment Act, 1949*, is further amended by striking out the words and figures "*The Labour Relations Act, 1948*" in the amendment of 1949 and inserting in lieu thereof the words and figures "*The Labour Relations Act, 1950*", so that the subsection shall read as follows:

1944,
c. 54, s. 3,
subs. 3,
amended.

(3) A collective bargaining agreement shall not be the subject of any action in any court unless such collective bargaining agreement may be the subject of such action irrespective of any of the provisions of this Act or of *The Labour Relations Act, 1950*.

Collective bargaining agreement, — subject of action.
1950, c. ...

(3) The said section 3 is further amended by adding thereto the following subsection:

1944,
c. 54, s. 3,
amended.

(4) Nothing in this Act shall be construed to prevent or otherwise affect the prosecution of a trade union or a member thereof under *The Labour Relations Act, 1950*.

Prosecutions under 1950, c. ... not effective.

Commence-
ment of Act. **2.** This Act shall come into force on a day to be named by
the Lieutenant-Governor by his Proclamation.

Short title. **3.** This Act may be cited as *The Rights of Labour Amend-
ment Act, 1950.*

BILL

An Act to amend The Rights of Labour
Act, 1944.

1st Reading

April 3rd, 1950

2nd Reading

3rd Reading

MR. DALEY

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act to amend The Rights of Labour Act, 1944.

MR. DALEY

No. 146

1950

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An Act to amend The Rights of Labour Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 3 of *The Rights of Labour Act, 1944*, as amended by subsection 1 of section 13 of *The Statute Law Amendment Act, 1949*, is further amended by striking out the words and figures "*The Labour Relations Act, 1948*" in the amendment of 1949 and inserting in lieu thereof the words and figures "*The Labour Relations Act, 1950*", so that the subsection shall read as follows:

(2) A trade union shall not be made a party to any action in any court unless such trade union may be so made a party irrespective of any of the provisions of this Act or of *The Labour Relations Act, 1950*. Trade union, — party to action. 1950, c. ...

(2) Subsection 3 of the said section 3, as amended by subsection 2 of section 13 of *The Statute Law Amendment Act, 1949*, is further amended by striking out the words and figures "*The Labour Relations Act, 1948*" in the amendment of 1949 and inserting in lieu thereof the words and figures "*The Labour Relations Act, 1950*", so that the subsection shall read as follows:

(3) A collective bargaining agreement shall not be the subject of any action in any court unless such collective bargaining agreement may be the subject of such action irrespective of any of the provisions of this Act or of *The Labour Relations Act, 1950*. Collective bargaining agreement, — subject of action. 1950, c. ...

(3) The said section 3 is further amended by adding thereto the following subsection: 1944, c. 54, s. 3, amended.

(4) Nothing in this Act shall be construed to prevent or otherwise affect the prosecution of a trade union or a member thereof under *The Labour Relations Act, 1950*. Prosecutions under 1950, c. ... not effective.

Commence-
ment of Act. **2.** This Act shall come into force on a day to be named by
the Lieutenant-Governor by his Proclamation.

Short title. **3.** This Act may be cited as *The Rights of Labour Amend-
ment Act, 1950*.

BILL

An Act to amend The Rights of Labour
Act, 1944.

1st Reading

April 3rd, 1950

2nd Reading

April 4th, 1950

3rd Reading

April 6th, 1950

MR. DALEY

2ND SESSION, 23RD LEGISLATURE, ONTARIO
14 GEORGE VI, 1950

BILL

An Act for granting to His Majesty certain sums of money for the
Public Service of the fiscal year ending the 31st day of March, 1951.

MR. FROST

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the fiscal year ending the 31st day of March, 1951.

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by message from the Honourable Preamble.
Ray Lawson, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedule to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1951, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. There may be paid out of the Consolidated Revenue \$215,318,-
Fund a sum not exceeding in the whole \$215,318,955 to be 955
applied towards defraying the several charges and expenses granted for
of the public service, not otherwise provided for, from the fiscal year
1st day of April, 1950, to the 31st day of March, 1951, as set 1950-51.
forth in the Schedule, and such sum shall be paid and applied
only in accordance with the votes and items of the estimates
upon which such Schedule is based.

2. The due application of all moneys expended under this Accounting
Act out of the Consolidated Revenue shall be accounted for for expend-
to His Majesty. iture.

3. This Act shall come into force on the day it receives the Commence-
Royal Assent. ment of Act.

4. This Act may be cited as *The Supply Act, 1950.*

Short title.

SCHEDULE

Agriculture Department.....	\$ 7,942,000.00
Attorney-General's Department.....	7,844,900.00
Education Department.....	53,268,000.00
Health Department.....	33,360,950.00
Highways Department.....	3,135,300.00
Insurance Department.....	113,000.00
Labour Department.....	7,060,000.00
Lands and Forests Department.....	15,107,000.00
Lieutenant-Governor's Office.....	14,500.00
Mines Department.....	857,500.00
Municipal Affairs Department.....	1,546,500.00
Planning and Development Department.....	945,000.00
Prime Minister's Office.....	84,005.00
Provincial Auditor's Office.....	209,000.00
Provincial Secretary's Department.....	881,000.00
Provincial Treasurer's Department.....	3,399,500.00
Public Welfare Department.....	53,377,500.00
Public Works Department.....	18,403,000.00
Reform Institutions Department.....	6,903,300.00
Travel and Publicity Department.....	617,000.00
Miscellaneous.....	250,000.00

Total estimate of expenditure for the fiscal
year 1950-51.....\$215,318,955.00

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the fiscal year ending the 31st day of March, 1951.

1st Reading

April 6th, 1950

2nd Reading

April 6th, 1950

3rd Reading

April 6th, 1950

Mr. Frost

